

CR15-00707-PHX-SRB

JURY TRIAL-DAY #9

3-1-16

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	
)	
Plaintiff,)	
)	CR15-00707-PHX-SRB
vs.)	Phoenix, Arizona
)	March 1, 2016
Abdul Malik Abdul Kareem,)	9:07 a.m.
)	
Defendant.)	
)	
)	

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY 9
(Pages 1506 through 1717, Inclusive.)

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P R O C E E D I N G S

(Called to the order of court at 9:07 a.m.)

THE COURT: Good morning, ladies and gentlemen. Please sit down. The record will show the presence of the jury, counsel, and the defendant.

Ladies and gentlemen, when we sat the jury, I mentioned that during any trial that lasts several weeks we seat alternate jurors so that if something comes up unexpectedly during the trial and a juror has to be excused, that we have enough jurors to continue.

Juror No. 3 has been excused as one of the alternate jurors, so now you are 15, as opposed to 16, with three alternates remaining.

The other thing I wanted to address with you is that someone inquired as to why Special Agent Whitson was able to sit through the whole trial and listen to all of the witnesses who testify when I had told you before that the lawyers had invoked the rule to exclude witnesses.

Well, there is an exception in the rule that allows each side to have someone sitting with them who's knowledgeable about the case that can assist the lawyers either with the prosecution or the defense. And because Agent Whitson is the case agent, he was designated as the individual to assist the prosecutors with the case -- with the evidence and to consult with them during the trial. And so he is

1 subject to the exception to the rule.

2 There were two other questions and I'm not prepared
3 to address them now because I haven't had a chance to discuss
4 them with counsel.

5 Ms. Brook, the government -- my understanding is that
6 you wish to interrupt Agent Whitson's testimony to put on the
7 testimony of another witness.

8 MS. BROOK: That's correct, Your Honor, we do.

9 And before we call Evan Kohlmann who is here on video
10 feed, we wanted to briefly put back on Robert Meshinsky.

11 MR. KOEHLER: Yes, Your Honor. The government wishes
12 to recall Agent Meshinsky to finish up some items that we left
13 off when we were presenting his testimony last week.

14 And then, obviously, the defense would have the
15 opportunity to cross-examine Agent Meshinsky.

16 MS. PLOMIN: Your Honor, I just want to make clear
17 that the prosecution has limited recalling Mr. Meshinsky for a
18 very limited purpose of the Lenovo laptop and nothing else.

19 MR. KOEHLER: And, Your Honor, that's something I
20 wanted to address with the Court and something that perhaps we
21 should discuss at sidebar.

22 THE COURT: No.

23 MR. KOEHLER: Okay. There were items from the Acer
24 Aspire laptop computer that were originally uploaded and given
25 exhibit numbers but somehow didn't make it onto the

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1 government's exhibit list and those numbers got passed over.

2 And so those items were kind of in the netherworld,
3 so to speak. They're in the Court's JERS disk, but they were
4 not put into evidence or ever on our exhibit list prior to the
5 trial and we discovered that over the weekend. And so I have
6 those items marked.

7 THE COURT: And when did you notify the defense about
8 those additional items?

9 MR. KOEHLER: I notified the defense about those
10 items yesterday afternoon and evening.

11 THE COURT: Then that complies with my prior order
12 that if there were any additional exhibits, that you had to
13 provide notice the day before; and so, yes, you can go ahead
14 and -- what number they're marked, I don't know, but.

15 MR. KOEHLER: They're marked 489 to 494, I believe.

16 THE COURT: Okay.

17 MR. KOEHLER: Or 488 to 492. And then the other
18 items were items from the same --

19 THE COURT: Where is -- by the way, where is our
20 witness.

21 MR. KOEHLER: He is in the witness room.

22 THE COURT: Let's get him in here.

23 MR. KOEHLER: And then the last one was the Samsung
24 Galaxy S5 that are on the government's exhibit list as
25 Exhibits 40 through 48.

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1 THE COURT: What about them? That you want to
2 inquire of Agent Meshinsky about those?

3 MR. KOEHLER: That is correct.

4 THE COURT: And is there some objection?

5 MS. PLOMIN: Your Honor, I just want to reiterate, we
6 didn't get these exhibits until late yesterday. We got one
7 e-mail at 4:30 and one after 9:00 p.m.

8 THE COURT: Oh, well, that's not yesterday afternoon.

9 MR. KOEHLER: The 4:30 e-mail, I believe, was the 488
10 numbers. I need to go back and doublecheck my e-mail.

11 THE COURT: Agent Meshinsky, you may take the stand.

12 MR. KOEHLER: And the e-mail after 9:00 was one
13 photograph of an individual whose photograph already appears
14 in some of the Twitter records. It's just a blownup version
15 of it.

16 THE COURT: If it was sent after 9:00 p.m., we're
17 not going to have it admitted this morning.

18 MR. KOEHLER: That's fine. And it won't be this
19 morning, Your Honor.

20 THE COURT: The next question is we obviously have
21 Mr. Kohlmann present by video conference. And I just
22 explained the exception to the rule to exclude witnesses, so
23 let's be sure there's no objection to Mr. Kohlmann hearing
24 whatever testimony Agent Meshinsky is giving.

25 MR. MAYNARD: There is an objection. My suggestion

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1 would be let's get Mr. Kohlmann on first, get him over with,
2 and then they can bring back Meshinsky.

3 MR. KOEHLER: Some of the exhibits --

4 MR. MAYNARD: They're going to attempt to have him
5 testify about things that they want Mr. Kohlmann now to
6 testify about.

7 THE COURT: Well, if we have the rule to exclude
8 witnesses, so Mr. Kohlmann cannot be present during the
9 testimony of any other witness.

10 MS. BROOK: Your Honor, can we just press "mute" on
11 Mr. Kohlmann's end so that he doesn't hear anything?

12 MR. KOEHLER: Or on our end.

13 THE COURT: We can try that.

14 First of all, good morning, Mr. Kohlmann. Can you
15 hear me?

16 EVAN KOHLMANN: Sorry, Your Honor. Yes, I can.

17 THE COURT: Okay. We're going to try to moot --
18 mute, rather, the audio for the witness who's going to
19 testify. So if you don't hear anything, that's why. So I'm
20 going to try to mute it now and then I'll ask you if you can
21 hear me. And if you don't answer, I will assume it's because
22 it worked.

23 EVAN KOHLMANN: Okay. Thank you very much.

24 THE COURT: Can you hear me, Mr. Kohlmann?

25 Okay. I assume that means he can't hear me.

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1 MR. KOEHLER: Are you able to hear us?

2 THE COURT: I think that's a "no." Okay. Please
3 proceed.

4 MR. KOEHLER: Thank you.

5 **SPECIAL AGENT ROBERT J. MESHINSKY, WITNESS, SWORN**

6 **DIRECT EXAMINATION (cont'd)**

7 BY MR. KOEHLER:

8 Q Agent Meshinsky, when we left off, we were last talking
9 about the Acer Aspire computer.

10 A Yes.

11 Q And what was the QPX number assigned to that Aspire?

12 A QPX-100.

13 MR. KOEHLER: Bless you.

14 BY MR. KOEHLER:

15 Q And as part of your review of that computer, did you
16 export portions of the slack space showing Internet search
17 history and so forth?

18 A Yes.

19 THE COURT: What is "slack space"?

20 THE WITNESS: On a computer hard drive, you have
21 unallocated space, slack space, free space. It's where
22 there's nothing -- the operating system is not there. There
23 are no files there and you'll find remnants of files that have
24 been deleted.

25 THE COURT: So is "slack space" free space? I mean,

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1 is it just another term for "free space or" "unallocated
2 space"?

3 THE WITNESS: Yes, it is. Yes.

4 THE COURT: Okay. Thank you.

5 MR. KOEHLER: My apologies.

6 BY MR. KOEHLER:

7 Q The items that you find in free, unallocated space, or
8 slack space, are those items that have been deleted in the
9 past but portions of them remain?

10 A That's correct.

11 Q And as part of that I'm going to show you Government's
12 Exhibit 488 on the document camera.

13 And, Agent Meshinsky, do you recognize Exhibit 488?

14 A Yes.

15 Q And can you tell us in general terms what this is?

16 A This is from, like we said earlier, it's from the
17 unallocated space. These are Internet searches, logs that
18 were recovered. I created -- we did a sweep of the data and
19 then, in turn, converted it into a .pdf file, temporary
20 Internet files.

21 Q Does this reflect searches for "Anwar al-Awlaki"?

22 A Yes.

23 MR. KOEHLER: Move to admit 488.

24 MS. PLOMIN: I have noted my objection for the Court,
25 Your Honor.

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1 THE COURT: The objection is just late disclosure,
2 correct?

3 MS. PLOMIN: That I know of, yes.

4 THE COURT: The objection is overruled. And is it
5 488 or 489?

6 MR. KOEHLER: 488.

7 THE COURT: 488 is admitted.

8 (Exhibit No. 488 admitted in evidence.)

9 BY MR. KOEHLER:

10 Q Looking at the first line, Agent Meshinsky, can you
11 identify who the user account is on the computer at that
12 point?

13 A At that point the user was Laura.

14 Q During your review of the computer, did you find any
15 evidence of the identity of who Laura was?

16 A I did not.

17 Q And looking at the second line, does that show what we
18 were talking about and can you explain that?

19 A Can you repeat your question?

20 Q Looking at the second line, is that an example of what we
21 were talking about in terms of a search for "Anwar al-Awlaki"?

22 A Yes.

23 Q And how is it that you're able to see that and explain
24 that in terms of what that means on the computer.

25 A If you start at the beginning, you have your "Hard Disk,"

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1 the "Volume3," the "User," the User's "Laura." The
2 information is stored in the "AppData," which within the
3 AppData there's a folder called "Local." Within that folder
4 there's a folder called "Microsoft" with a "Windows" folder
5 within that directory. You have the "Temporary Internet
6 Files." And that was where that was. It was stored in
7 there.

8 Q And at the time you reviewed that computer, did a user
9 named "Laura" exist as an active user account on the computer?

10 A Yes.

11 Q Now, moving on to Exhibit 489, did your review of the
12 slack space also reveal visits to a hoor-al-ayn.com or
13 hoor-al-ayn.com?

14 A Yes.

15 Q And is 489 a true and accurate copy of that portion of the
16 space reflecting those?

17 A Yes.

18 MR. KOEHLER: Move to admit 489.

19 MS. PLOMIN: Same objection, Your Honor.

20 THE COURT: The objection to late disclosure is
21 overruled. 489 is admitted.

22 (Exhibit No. 489 admitted in evidence.)

23 BY MR. KOEHLER:

24 Q And was this user again the "Laura" account on the
25 computer?

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1 A Correct.

2 Q Now, moving on to 490, did your review of the computer
3 also reveal visits to kalamullah.com?

4 A Yes.

5 Q And is 490 an accurate depiction of those items from the
6 free space on the computer?

7 A Yes.

8 MR. KOEHLER: Move to admit 490.

9 MS. PLOMIN: Objection. Late disclosure.

10 THE COURT: 490 is admitted. The objection is
11 overruled.

12 (Exhibit No0. 490 admitted in evidence.)

13 THE COURT: How come this one doesn't look the same?

14 THE WITNESS: When we sweep and convert it into a
15 document, the .pdf cleaned it up a little.

16 THE COURT: But it looks totally different from the
17 last two.

18 THE WITNESS: Right. It's from a different part of
19 the slack space where we were looking at the searches that
20 they did for pictures and such.

21 BY MR. KOEHLER:

22 Q And so the extensions "jpg" at the end of the filenames on
23 the second line and on the fourth line on the next one down, I
24 guess also on the end of the first line of each entry, does
25 that reflect that you're looking for pictures when you're

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1 going through that part of the computer?

2 A There were pictures that were looked for, right, at that
3 website.

4 Q Now, moving on to 491, do you recognize this?

5 A Yes.

6 Q And can you tell us what that is?

7 A These are websites that were visited by the user of the
8 computer.

9 Q And does it reflect visits to islamicline.com, Sheikh
10 Anwar al-Awlaki?

11 A Yes.

12 Q Is this a true and correct copy of that portion of the
13 free space?

14 A Yes.

15 MR. KOEHLER: Move to admit 490.

16 MS. PLOMIN: Same objection.

17 THE COURT: The objection is overruled. I think it's
18 491.

19 MR. KOEHLER: It's 490 -- oh, that's right. It is.
20 I'm sorry. It's 491.

21 THE COURT: 491 is admitted.

22 (Exhibit No. 491 admitted in evidence.)

23 BY MR. KOEHLER:

24 Q I'm going to move down. Can you tell us who the user is
25 on this particular account?

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1 A This user is "git." G-I-T.

2 Q Now, moving on to 492, do you recognize this, Agent
3 Meshinsky?

4 A Yes.

5 Q Can you tell us in general terms what this is?

6 A It's more information that was in the unallocated space.

7 Q And what type of information is this?

8 A It shows an individual going to -- actually, I'm sorry.
9 Playing a song, the name the artist, the album. So it could
10 be -- it could be a music file that was downloaded and played.

11 Q Okay. Can it also just be an audio file that was
12 downloaded and played?

13 A Yes.

14 Q And so does that mean that this file actually existed on
15 the computer and had been stored to the computer?

16 A Yes.

17 Q Is this a fair and accurate depiction of that?

18 A Yes.

19 Q And can you tell us who the user is on that?

20 A "Public."

21 Q Can you explain what "Public" is on a computer?

22 A Public on the computer could be a user that's open to
23 anybody that could use it.

24 MR. KOEHLER: Okay. Move to admit 492.

25 MS. PLOMIN: Your Honor, I just ask for a standing

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1 objection for Exhibits 492 through 497 that were late
2 disclosure.

3 THE COURT: Well, I will assume that you have that
4 objection. If there are any different objections, then I will
5 ask you to make them when they're offered.

6 492 is admitted.

7 (Exhibit No. 492 admitted in evidence.)

8 BY MR. KOEHLER:

9 Q I'm now going to turn back to the Lenovo laptop computer,
10 the 2015 image of the Lenovo laptop computer, and can you tell
11 us, again, what the designator was for that computer?

12 A That computer is QPX_300_1 would be the hard drive that
13 was in QPX_300.

14 Q I'm going to start with Exhibit 164.

15 Do you recognize that?

16 A Yes.

17 Q And can you tell us what that is in general terms?

18 A This is part of the file that was recovered from the
19 Lenovo. What you have is screen capture of -- from the
20 application that we do the exam in. What you have is some
21 searching.

22 Q Okay. Is this a true and correct copy of that portion of
23 the search history from the Lenovo laptop?

24 A Yes.

25 MR. KOEHLER: Move to admit 164.

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1 MS. PLOMIN: No objection.

2 THE COURT: 164 is admitted.

3 (Exhibit No. 164 admitted in evidence.)

4 BY MR. KOEHLER:

5 Q And can you tell us what the user was searching for on the
6 Lenovo laptop?

7 A Searching for video files on YouTube regards to "Battle of
8 the Hearts and Minds," several versions of it.

9 Q And the dates of these searches?

10 A April 1st, 2012.

11 Q All right. And now going to move on to 165, can you tell
12 us, again, in general terms what this is?

13 A It's a browser history. It's a snapshot for that
14 particular day from Mozilla Firefox.

15 Q Is this, likewise, a true and correct copy of the search
16 history from the Mozilla Firefox for the Lenovo laptop, a 2015
17 image?

18 A Yes.

19 MR. KOEHLER: Move to admit 165.

20 MS. PLOMIN: No objection.

21 THE COURT: 165 is admitted.

22 (Exhibit No. 165 admitted in evidence.)

23 BY MR. KOEHLER:

24 Q And what was the user searching for here on YouTube?

25 A Another video file entitled "Anwar al-Awlaki: Brutality

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1 Towards the Muslims Part 2."

2 Q Now, moving on to 166, is that another snip from the
3 Mozilla Firefox browser history?

4 A It is for May 3rd, 2012.

5 Q Is that a true and correct copy?

6 A Yes.

7 MR. KOEHLER: Move to admit 166.

8 MS. PLOMIN: No objection.

9 THE COURT: 166 is admitted.

10 (Exhibit No. 166 admitted in evidence.)

11 BY MR. KOEHLER:

12 Q And what was the user searching for there?

13 A Another YouTube, "And Incite The Believers" by Sheikh
14 Abdullah Ibn Muhammad -- I do not want to say the last name
15 because I'm afraid I'll mess it up.

16 Q Arrashud?

17 A Arrashud. Thank you.

18 Q Now, on to 167, do you recognize that?

19 A Yes.

20 Q And is that another snip from the Mozilla Firefox browse
21 history?

22 A Correct.

23 Q Dated May 3, 2012?

24 A Correct.

25 Q Is that a true and correct copy?

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1 A Yes.

2 MR. KOEHLER: Move to admit 167.

3 MS. PLOMIN: No objection.

4 THE COURT: 167 is admitted.

5 (Exhibit No. 167 admitted in evidence.)

6 BY MR. KOEHLER:

7 Q And can you tell us what video was searched for there?

8 A "Mujahideen Bagram escape YouTube."

9 Q Now, moving on to 168.

10 THE COURT: Mr. Koehler, how many more of these do
11 you have from the Lenovo?

12 So far there have been no objections to any of them.

13 MR. KOEHLER: Five.

14 THE COURT: What numbers are they?

15 MR. KOEHLER: Is 168 through 172.

16 THE COURT: Are there any objections?

17 MS. PLOMIN: No, Your Honor.

18 THE COURT: Are you offering them?

19 MR. KOEHLER: I am.

20 THE COURT: 168 through 172 are admitted.

21 (Exhibit Nos. 168, 169, 170, 171 and 172 admitted in
22 evidence.)

23 BY MR. KOEHLER:

24 Q Let's start with 168. What was the search here?

25 A May 3, 2012, again, on YouTube for "mujahid escape Bagram.

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1 YouTube."

2 Q All right. And these are all, again, from the Lenovo 2015
3 image?

4 A Correct.

5 Q Here's 169.

6 A May 3, 2012. Again, "Escape From Bagram Prison. One.
7 Part 2 of 5. Documentary."

8 Q Now 170.

9 A Browser history again. May 8, 2012. Google Search on
10 "mujahideen." And then the other, again, is another search on
11 Google, same subject. The date I can't read. Time of the --
12 you have the hole punch right there.

13 Q All right.

14 A 10:54.

15 Q Very good. We can cycle back to that later.

16 Now, 171.

17 A Again, browser history. Internet search history. Again,
18 for "Lectures." Dates 5/13/2012. A lecture 5/14/2012.
19 5/15/2012. And, again, 5/15/2012.

20 Q Is the website there "kalamullah.com"?

21 A Yes.

22 Q And then the last one is this, a full print of the Firefox
23 Browser History?

24 A Correct.

25 Q I'll direct you now your attention to Exhibits 40 to 48

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1 and place them on the document camera for you one at a time.

2 Do you recognize Exhibit No. 40?

3 A Yes.

4 Q And can you tell us in general terms what it is?

5 A It's a .pdf document that was recovered from the cell
6 phone.

7 Q And which cell phone was that?

8 A The cell phone that we identified as one of the phones
9 from Dallas that was recovered and processed in Dallas.

10 Q Was it the Samsung?

11 A Samsung S5.

12 Q Do you remember the color of the phone?

13 A It was white.

14 Q And is this a true and correct copy of a .pdf file that
15 you exported from -- I'm sorry.

16 What was the QPX number you gave the phone?

17 A Well, it's going to be a "DL" number. I can't recall the
18 number.

19 Q Okay. But the white Galaxy S5?

20 A Correct.

21 MR. KOEHLER: Move to admit 40.

22 MS. PLOMIN: No objection.

23 THE COURT: 40 is admitted.

24 (Exhibit No. 40 admitted in evidence.)

25 THE COURT: Before you do them one at a time, Mr.

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1 Koehler, are you planning to go through multiple exhibits of
2 things that all came from this white Galaxy Samsung phone?

3 MR. KOEHLER: Yes, Your Honor.

4 THE COURT: What are they?

5 MR. KOEHLER: 40 through 47.

6 THE COURT: And it will be the same foundation from
7 this witness as to -- up to 47?

8 MR. KOEHLER: That's correct, Your Honor. And there
9 is one additional from the phone that is --

10 THE COURT: Well, let's just take care of 40 through
11 47 right now and find out if the defense has any objection to
12 those.

13 MS. PLOMIN: One moment, Your Honor.

14 I do not have any objection to foundation, Your
15 Honor.

16 THE COURT: Are you offering 41 through 47, Mr.
17 Koehler?

18 MR. KOEHLER: Yes, Your Honor.

19 THE COURT: 41 through 47 are admitted.

20 (Exhibit Nos. 41, 42, 43, 44, 45, 46 and 47 admitted in
21 evidence.)

22 BY MR. KOEHLER:

23 Q So this is 41 on the document camera.

24 Can you just read the name of the publication,
25 please.

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1 A "RUM Which Nation Does The Agadutg Of The Last Day Refer
2 To?"

3 Q And now 42.

4 A "The ISIS Twitter Census. Defining and describing the
5 population of ISIS supporters on Twitter."

6 Q I'm going to skip to the third page of 42 because the
7 first two pages are just cover sheets.

8 THE COURT: Okay. So now you're on 42?

9 MR. KOEHLER: That's correct.

10 THE COURT: Okay. The ISIS Twitter Census was 41.

11 MR. KOEHLER: Correct.

12 BY MR. KOEHLER:

13 Q So what is the name of 42, please?

14 A From the Rand Corporation. "Promoting Online Voices For
15 Countering Violent Extremism."

16 Q Exhibit 43.

17 A Court documents for the United States District Court,
18 Southern District of Ohio, Eastern Division.

19 United States of America, plaintiff, versus
20 Abdirahman Sheik Momamud, a/k/a -- I can't say it -- the
21 defendant.

22 Q Is that an indictment?

23 A Excuse me.

24 Q Is that an indictment?

25 A Yes.

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1 Q Now 44.

2 A .pdf document. "The Absent Obligation from the pen of
3 Muhammad Abdus Salam Faraj."

4 Q And this part here?

5 A Can you move it a little. It has kind of a glare on it.

6 "And expel the Jews and Christians from the Arabian
7 Peninsula."

8 Q And this is 45.

9 A Correct. Dabiq -- can you say that one?

10 Q Is that Dabiq?

11 A Dabiq -- excuse me -- Issue No. 5.

12 Dabiq. Issue No. 8.

13 Q And 47.

14 A How do you say that first word?

15 Q Is that "hijra"?

16 A "Hijra" -- thank you -- "to the Islamic State. What to
17 pack up. Who to contact. Where to go. Stories and more.
18 Prequel eBook. The Islamic State 2015."

19 Q All right. And last but not least, directing your
20 attention to Exhibit 494, do you recognize that?

21 A Yes.

22 Q And what is that?

23 A It's an Internet history from the Samsung browser.

24 Q Okay. The same cell phone that we have been talking
25 about, the white Galaxy S5?

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1 A Correct.

2 Q Is that a true and correct copy of the extraction history
3 of the browser?

4 A It's a portion of it, yes.

5 Q Of that portion?

6 A Yes.

7 MR. KOEHLER: Move to admit 494.

8 THE COURT: Okay. What happened to -- it's not --
9 it's not a complete extraction. It's just a little part of
10 it.

11 THE WITNESS: No. It's just page 89 of 178 pages.

12 THE COURT: Oh. Well, maybe we should be glad it's
13 only one page then.

14 Is there any objection other than late disclosure?

15 MS. PLOMIN: No. That's the only objection.

16 THE COURT: 494 is admitted.

17 (Exhibit No. 494 admitted in evidence.)

18 THE COURT: So how many pages can you have on a
19 Samsung Galaxy phone?

20 Mr. Koehler just showed you exhibits that if he held
21 them all up was about this high (indicating) and you just said
22 there's 179 total pages of just this.

23 THE WITNESS: Well, this is a report. This
24 particular document is a report that we've created.

25 The documents that he showed us earlier, a cell phone

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1 can hold up to -- the newer iPhones, 128 gigs worth of data.
2 So the Samsung phones are probably up there as well. 64 gigs.

3 THE COURT: Thank you.

4 BY MR. KOEHLER:

5 Q Do you know how many gigs of data the Galaxy S5 had
6 available to it?

7 A That particular phone had 16 gigs.

8 Q Okay. And if you were to just take 16 gigs-worth of
9 paper, do you have any idea of how much space that would fill?

10 A Well, they say that -- one gig is the equivalent of about
11 20 file cabinets of data.

12 Q So 16 times 23,200 file cabinets?

13 A If you say so.

14 Q If my math is right. Maybe I'm off. Maybe it's only 320.
15 Yeah, it's 320.

16 320 filing cabinets full of paper?

17 A That's what I use a calculator for.

18 Q Can you read the third line here where my finger is? Just
19 the part, the first part of the line where my finger is.

20 A Sure. <https://justpaste.it/ISHDLEAK>.

21 Q And does reflect that the user visited a site called
22 "justpaste.it"?

23 A Correct.

24 Q And downloaded a document called I-S-H-D-L-E-A-K?

25 A Correct.

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1 Q And, again, Agent Meshinsky, do you recall the identity of
2 the person who was using the Samsung Galaxy S5 or that you
3 assessed to be the user of that phone?

4 A I believe it was one of the individuals in Dallas.

5 MR. KOEHLER: May I have one moment?

6 THE COURT: Yes.

7 MR. KOEHLER: I just want to confirm with the clerk.

8 Is 166 in? I thought I moved to admit and I wanted
9 to be sure.

10 THE CLERK: Yes.

11 MR. KOEHLER: It's in? All right.

12 I have no further questions at this time.

13 THE COURT: Ms. Plomin, do you have any questions on
14 cross?

15 MS. PLOMIN: I do, Your Honor.

16 THE COURT: You may proceed.

17 **CROSS EXAMINATION**

18 BY MS. PLOMIN:

19 Q Good morning, Mr. Meshinsky.

20 A Good morning.

21 Q I'm going to try and go chronologically here. You have a
22 lot to testify about.

23 A That's fine.

24 Q In terms of the Lenovo, you testified to the search
25 history of several exhibits. I believe it was Exhibits 164 --

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1 I'm sorry -- 165 through 172. Do you remember that?

2 A Yes.

3 Q Okay. And in terms of the search history that you
4 reviewed and you testified to in those exhibits, let me just
5 clarify. Those were all from 2012, correct?

6 A Correct.

7 Q All right. And in terms of those exhibits that you
8 testified to, there were search histories on April 1st, 2012?

9 A Correct.

10 Q And May 3rd, 2012?

11 A Correct.

12 Q And all of the search history occurred between March and
13 May of 2012 that you testified to, correct?

14 A That's correct.

15 Q All right. And when you viewed those items of search
16 history, are you able to determine which user was conducting
17 those searches?

18 A Based on the documents that were printed out, I could not
19 tell.

20 Q Now, moving on to the flash drive that was inserted into
21 the Lenovo, you testified to that maybe a week or a
22 week-and-a-half ago.

23 Now, did you review a report or did you conduct your
24 own analysis in order to determine when the files on the flash
25 drive were uploaded or were put onto the flash drive?

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1 A It was put into CAIR and I was -- once the files were
2 identified by the case agent and other members of his squad,
3 the report was printed. We weren't asked to do any further
4 analysis on the thumb drive.

5 Q All right. And did you review Agent Neville -- I'm
6 sorry -- Mr. Neville's report on certain -- 27 items that were
7 found on the flash drive and when they were put onto the flash
8 drive?

9 A I did not review his report.

10 Q Now, moving on to the Acer laptop, you testified to
11 unallocated or slack space.

12 Are you able to determine any of the items that are
13 found in the unallocated space are you able to determine which
14 user left the remnants that you located in the slack space?

15 A Only if it's able to be recovered.

16 When it goes in the slack space, the unallocated
17 space, are just fragments of files. So if it was able to
18 recover that information who put it there, it would have.

19 Q And you located a user named "Laura"?

20 A Correct.

21 Q Did it appear to you that -- well, Let me actually back
22 up.

23 Were you able to determine from those remnants that
24 were left in the slack space or the unallocated space when
25 they were viewed -- well, when they were viewed on the laptop?

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1 A No.

2 Q Were you able to determine if they were viewed on the
3 laptop; the YouTube searches, for instance?

4 A When I exported the documents out, that was one -- when I
5 saw them and reviewed them, prior to that all the information
6 was in CAIR and the case agents and the analysts were the ones
7 that reviewed it.

8 Q And so who would that be a question for?

9 A Probably the case agent.

10 Q Agent Whitson?

11 A Yes.

12 THE COURT: So I think -- I'm not sure you answered
13 the question which was:

14 Were you able to determine if they were viewed on the
15 laptop; the YouTube searches, for instance.

16 THE WITNESS: You would be able to, yes. I'm sorry.
17 You would be able to.

18 THE COURT: Were you able to determine?

19 THE WITNESS: Based on the information I saw in the
20 slack space, yes, I could determine that they were viewed on
21 the laptop.

22 BY MS. PLOMIN:

23 Q But you didn't -- you weren't instructed or you didn't do
24 that in this case?

25 A That's correct.

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1 Q Now, moving on to the Galaxy S5 phone, the white phone
2 that was found in Texas, I believe you testified on direct
3 that you believed that that phone belonged to one of the
4 individuals in Texas. I'm assuming you meant Elton Simpson or
5 Nadir Soofi?

6 A Correct.

7 Q Do you know which one had the subscriber information that
8 linked to that phone?

9 A When I reviewed the report yesterday -- and I'm just
10 recalling now -- it was Simpson.

11 Q Elton Simpson?

12 A Yes. Sorry.

13 Q And those documents that you testified to at the end of
14 the direct examination today, those were found in the white
15 Samsung phone, correct?

16 A That is correct.

17 Q Belonging to Elton Simpson?

18 A Correct.

19 Q And were you able to determine --

20 Well, first, are you able to determine from a
21 forensic level when those documents are uploaded or downloaded
22 onto a phone?

23 A You would be able to, yes.

24 Q And did you do that in this case?

25 A I did not.

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1 Q Do you know if anybody did that in this case?

2 A I do not.

3 Q Now, I believe it was on Friday you testified to an LG
4 phone, 440 phone, that was found in Simpson and Soofi's
5 apartment. Do you remember that?

6 A I believe I do.

7 Q And you testified to two specific text messages that were
8 found in that phone?

9 A Correct.

10 Q And did you review the full -- is it ZRT Report?

11 A Correct.

12 Q And the ZRT Report is, essentially, a kind of snapshots of
13 pictures of all the activity in the phone?

14 A That is correct.

15 Q And did you review the full ZRT Report for that LG phone
16 that was found in Simpson and Soofi's apartment?

17 I want to distinguish because there are two LG
18 phones.

19 A I did.

20 Q And I have marked as Exhibit 342 -- I'm not going to ask
21 to admit it now -- but I would like to show it to you.

22 Does this appear to be the volume that -- of text
23 messages that you viewed in the LG phone that was found in
24 Simpson and Soofi's residence?

25 A When I took pictures, so, I would have to look and see

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1 your document there.

2 MS. PLOMIN: Okay. Your Honor, may I show it -- or
3 approach the clerk and show it to the witness?

4 THE COURT: Yes.

5 MS. PLOMIN: Thank you.

6 THE WITNESS: Thank you.

7 What you have is the ZRT Report which I created. And
8 the way the report is set up is you have the thumbnail view.

9 And if you click on the thumbnail view, then you will
10 get the expanded view. So at the beginning of the report, as
11 you see here, your thumbnail views. And when you click on it,
12 you would then get the full view here.

13 And that's why there's so many pages to this
14 document.

15 BY MS. PLOMIN:

16 Q There's essentially a page for each text message?

17 A Well, there's more than just the text messages. I believe
18 there was also dialed numbers, contacts, missed calls,
19 received calls, pictures, then the message inbox, drafts, an
20 outbox, and that was it.

21 Q Okay. And in your review of that ZRT Report, are you able
22 to determine the contacts that are in the phone, the contacts
23 that the person who has the phone records the name and phone
24 number of?

25 A If I was able to find it, I would have taken a picture

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1 with it. And the reason I had to take pictures is because the
2 other forensics software that we use does not recognize the
3 phone. So this is the next step that we take.

4 Q When you reviewed the ZRT Report, did you see text
5 messages with a person by the name of Bunker Bob?

6 A I don't recall.

7 Q Do you recall if you saw text messages asking --
8 requesting to buy various form of ammunition?

9 A I do remember that, yes.

10 Q And, specifically, ammunition for an AK-47?

11 A I remember an AK-47 being mentioned in one of the text
12 messages, yes.

13 Q And do you recall communication with a person by the name
14 of Bunker Bob?

15 A I don't remember the name of the person they were
16 communicating with.

17 Q I just want to clarify that that is a true and correct
18 copy of the ZRT Report that you created and that you viewed?

19 A Correct.

20 MS. PLOMIN: Your Honor, I'm not going to move to
21 admit the exhibit at this time.

22 THE COURT: Mr. Koehler, do you have any questions on
23 redirect?

24 **REDIRECT EXAMINATION**

25 BY MR. KOEHLER:

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1 Q Ms. Plomin asked you about dates on some of the different
2 files.

3 A Yes.

4 Q This is 488 in evidence.

5 Did this file from the slack space give you any dates
6 on when these things occurred?

7 A No, not that I can see.

8 Q Same question regarding 489 in evidence.

9 A No.

10 Q One more question about that.

11 Are you able to tell whether from these particular
12 things whether the user actually clicked through and watched
13 the item?

14 A On this particular page you can see if they clicked
15 through on a couple of them, yes.

16 Q Okay. Can you use the screen there and just point at the
17 line using the screen -- you can draw a line on it -- to show
18 which line you're talking about.

19 A It could be this one right here (indicating) search is
20 this here.

21 Q Okay.

22 A And then the viewing is here.

23 Q All right. Thank you.

24 Now, moving on to 490, does 490 give you dates?

25 A No.

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1 Q When someone navigates to a photo on a page, does the
2 photo display automatically?

3 A On a page on some you would have to click on. Some will
4 show on a webpage.

5 Q Okay. And can you see whether there was a click-through
6 on any of these or are you able to tell whether it would be
7 automatic?

8 A I'm not able to tell.

9 Q Okay. 491, same question about dates.

10 A No dates.

11 Q And are you able to see whether click-throughs occurred to
12 the content?

13 A There would be a few here. The search.

14 Do you want me to touch the screen?

15 Q Yes, please.

16 A Here -- oh, you moved it.

17 Q All right.

18 A There. With a click -- there was a search here and a
19 click-through here.

20 Q And this is 491.

21 And same questions with 492.

22 A Here you do have some dates. Where it was modified. The
23 file.

24 Q Okay. Can you show us that?

25 A Right there. (Indicating) August 19th, 2013. And this

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1 is an audio file.

2 MR. KOEHLER: That's all I have, Your Honor. Thank
3 you.

4 THE COURT: May Agent Meshinsky be excused or is he
5 still subject to recall, Mr. Koehler?

6 MR. KOEHLER: He may be excused, Your Honor.

7 THE COURT: Is there any objection?

8 MS. PLOMIN: No, Your Honor.

9 THE COURT: Thank you, Agent Meshinsky. You may step
10 down, sir, and you are excused as a witness.

11 THE WITNESS: Thank you. Should I leave this here?

12 THE COURT: Maureen, would you get the exhibit back
13 and give it to Ms. Plomin?

14 Are we ready for Mr. Kohlmann now?

15 MS. BROOK: We are, Your Honor.

16 THE COURT: Okay. Let's unmute Mr. Kohlmann.
17 Can you hear us, Mr. Kohlmann?

18 THE WITNESS: Yes, I can.

19 THE COURT: Thank you.

20 MS. BROOK: Thank you.

21 And, Your Honor, just before I begin, I want to make
22 sure as a matter of housekeeping that the jury can see him. I
23 know that the screen is pretty far back and I want to make
24 sure I'm not obstructing anybody's view.

25 THE COURT: Apparently, we're fine with that.

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1 Let's start with the administration of the oath.

2 THE WITNESS: Okay.

3 **(Witness duly sworn)**

4 THE CLERK: Please state your name for the record and
5 spell your first and last name.

6 THE WITNESS: My name is Evan F. Kohlmann. E-V-A-N.
7 Middle initial F. Last name K-O-H-L-M-A-N-N.

8 THE COURT: You may proceed, Ms. Brook.

9 And, as the ladies and gentlemen can see, there's a
10 little bit of a delay. But as we go through it, I think we'll
11 adjust to it.

12 MS. BROOK: Thank you.

13 **EVAN F. KOHLMANN, WITNESS, SWORN**

14 **DIRECT EXAMINATION**

15 BY MS. BROOK:

16 Q Good morning.

17 Can you hear me?

18 A Yes, I can. Sorry.

19 Q Would you please introduce yourself to the Ladies and
20 Gentlemen of the Jury.

21 A Yes. My name is Evan F. Kohlmann. I'm an international
22 terrorism consultant and I'm Chief of Research and Development
23 as Flashpoint Global Partners in New York City.

24 Q And, sir, we can see that here you are appearing on a
25 video feed.

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1 Did you have a flight booked to come out here to
2 testify live in person?

3 A I did, yes.

4 Q Can you explain to us what happened.

5 A Unfortunately, in the last few days, I broke my shoulder
6 and arm rather badly and I was advised by doctors not to
7 travel unless I wanted to go in for several rounds of surgery.

8 Q So as we're here this morning, I note that you're speaking
9 into a microphone. We were doing some sound tests earlier.

10 If you put the microphone down just for a moment, I
11 want to see if the sound is still not enough.

12 A Sure. Is that better?

13 Q Yeah. Let's keep it up. I know it's inconvenient, so
14 we'll carry on that way.

15 A Yep. No problem.

16 Q Sir, can you tell us about your educational background.

17 A Yes. I have a BSFS, a Bachelor in the Science of Foreign
18 Service from the Edmund A. Walsh School of Foreign Service at
19 Georgetown University in Washington, DC.

20 I also have a certificate in Islam and
21 Muslim-Christian Understanding from the Prince Alwaleed bin
22 Talal Center for Muslim-Christian Understanding also at
23 Georgetown University.

24 And I have a graduate law degree, a JD, from the
25 University of Pennsylvania Law School in Philadelphia,

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1 Pennsylvania.

2 Q Let's talk for a moment first about your time at
3 Georgetown University.

4 What was your focus during your undergraduate
5 studies?

6 A My focus was on international security studies with,
7 again, a particular focus on the Muslim world.

8 Q Did you work as a research assistant during your time
9 there?

10 A I did, yes.

11 Q And what did you work on?

12 A I worked with Dr. Mamoun Fandy in the Center for
13 Contemporary Arab Studies, which is another subset of the
14 School of Foreign Service at Georgetown.

15 I worked with him conducting research on dissident
16 groups in North Africa, the Arabian Peninsula, and elsewhere
17 in the Middle East.

18 Q Did you write an honors thesis when you were there?

19 A I did, yes.

20 Q And what was that on?

21 A The title of my honors thesis was The Legacy of The Arab
22 Afghans, A Case Study.

23 It examined the roots of the conflict that took place
24 in Afghanistan during the 1980s, why foreign fighters had
25 traveled to join that conflict and take part in that conflict,

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1 and what happened to those individuals after Afghanistan ended
2 in 1989, where they went, what they did, and how they tried to
3 carry on the legacy that they had established at Afghanistan
4 in other countries.

5 Q Based upon your studies at Georgetown, were you nominated
6 to apply for a Rhodes Scholarship?

7 A I was, yes.

8 Q And let's turn next, you spoke about going to law school.

9 Where did you go to law school?

10 A I went to the University of Pennsylvania Law School in
11 Philadelphia, Pennsylvania.

12 Q And what year did you graduate?

13 A I graduated from law school in May of 2004.

14 Q So let's take a step away from your educational background
15 and talk for a moment about your employment history.

16 In 1998 before you started law school, did you work
17 as a -- well, did you work for a private counterterrorism
18 organization in Washington, DC?

19 A I did, yes.

20 Q And can you tell us about that?

21 A Yes. Starting in 1998, I began working at a think-tank
22 and a watch dog group in Washington known as the Investigative
23 Project, both while I was in college and then later while I
24 was in law school.

25 I began conducting research on various different

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1 terrorist organizations, looking specifically at financing,
2 recruitment, and communications. And the groups, again,
3 specifically that I was looking at were primarily al-Qa'ida,
4 al-Qa'ida affiliates, Hamas and Hezbollah.

5 Q So carrying on with your employment history, in 2003
6 during the time that you were at Penn for law school, did you
7 begin a company by the name of Global Terror Alert?

8 A Yes. In 2003 I left the investigative project and I
9 established my own consulting firm and my own information
10 outlet known as Global Terror Alert and I began doing
11 consulting work on the same subject matter that I had been
12 working on previously.

13 Q So what was the purpose of the consulting work that you
14 did there with Global Terror Alert?

15 A The consulting work that I did there was working both with
16 private clients as well as public clients -- when I say
17 "public clients," I mean various different governments --
18 working on producing information, raw information taken from
19 the communications, financing, and propaganda of various
20 terrorist organizations.

21 And then for some clients then, further distilling
22 that raw information into everything from unclassified reports
23 and memorandum, court testimony, video productions,
24 statistical research, whatever a particular client was looking
25 for.

1 But the core base was an interest in the raw research
2 that I had gathered and how that would shed light on questions
3 about the financing, the recruitment, and the propaganda and
4 communications of terrorist groups; and primarily here,
5 al-Qa'ida and al-Qa'ida affiliates.

6 Q You spoke about working for some nonprofit organizations.
7 Can you explain to us what The Nine/Eleven Foundation is?

8 A Sure. I believe you're referring to the Nine/Eleven
9 Finding Answers Foundation, otherwise known as NEFA.

10 NEFA was established, I believe, in 2006 in order to
11 fund research into the financing and communications of
12 al-Qa'ida and other terrorist groups in order to provide that
13 information to everyone from policymakers, academics, folks in
14 law enforcement, anyone who could take this information and
15 make use of it in order to curb the problems stemmed from the
16 issues of terrorism.

17 Q And did you provide information, consulting, and services
18 for that foundation as well?

19 A Yes. For several years the foundation -- rather, excuse
20 me -- paid me in order to provide raw data, as well as refined
21 data, reports, and other materials. I also attended
22 conferences that they had put on with other academics and
23 policymakers, et cetera.

24 Q And, again, some of the information that you were
25 providing in that capacity, was it for al-Qa'ida and al-Qa'ida

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1 affiliate terrorist organizations?

2 A Yeah. There was a little bit of Hamas and Hezbollah, but
3 most of it was focused on al-Qa'ida and al-Qa'ida affiliates.

4 Q Have you worked abroad in areas affected by terrorism?

5 A Yes.

6 Q Where?

7 A I have worked with the Office of the High Representative
8 in Sarajevo, in Bosnia-Herzegovina in order to track foreign
9 fighters, foreign jihadists from various countries in the
10 Middle East who fought during the Bosnian War there and were
11 using the country in order to seek basically a hideout or
12 asylum.

13 I have also worked with other local authorities also
14 in Bosnia and in Sarajevo, including the USNIC, the national
15 intelligence cell, in order to collect similar information. I
16 have also attended conferences and spoken and met with
17 government officials in countries including the Kingdom of
18 Saudi Arabia, the United Arab Emirates, Qatar, Jordan,
19 Azerbaijan, Turkey, various other states.

20 Q As part of your work abroad, have you worked for any
21 international criminal tribunals?

22 A Yes.

23 Q Where?

24 A I have done -- I have been hired to do work on behalf of
25 the International Criminal Tribunal for the former Yugoslavia.

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1 I was specifically hired to review original documents and
2 records concerning foreign fighters, again, foreign jihadists,
3 who had traveled to the Vulcans, reviewing their conduct,
4 their connections to overseas terrorist organizations, and
5 their involvement in human rights atrocities.

6 Q Have you done consulting work for the United States
7 Government?

8 A I have, yes.

9 Q And have you also done consulting work for other foreign
10 governments, allies of the United States?

11 A That's correct, yes, otherwise known, typically, as the
12 Five-Is, but we have also done work for a few other U.S.
13 allies.

14 Q What are the Five-Is?

15 A They are several nations around the world that share
16 information and intelligence with the U.S. Government fairly
17 fluidly. They include the United Kingdom, Canada, Australia,
18 New Zealand. These are typically the countries we work with.

19 However, I have also worked with law enforcement and
20 intelligence agencies and militaries in countries such as
21 Switzerland, Denmark, Bosnia-Herzegovina, and beyond.

22 Q So I want to turn our attention now to your company
23 Flashpoint Partners. Can you describe Flashpoint Global
24 Partners, what its purpose is?

25 A Yes. Flashpoint began as an outgrowth of my initial

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1 consulting business. Flashpoint -- the mission behind
2 Flashpoint is to collect information from the Deep and Dark
3 Web.

4 And what do I mean by "the Deep and Dark Web," I mean
5 the places online that are not necessarily familiar to the
6 average web user or web browser. They may require credentials
7 to access. But these are where illicit transactions are
8 taking place.

9 And my particular expertise at Flashpoint is
10 analyzing and collecting signal intelligence, signal
11 information regarding terrorist organizations, terrorist
12 supporters, financiers, others online. So my focus is on the
13 terrorist use of the Deep and Dark Web.

14 Q Explain for us a little bit what you mean by the Deep and
15 Dark Web. What is that?

16 A Sure. So, if you go on Google and you run searches on
17 Google for the word "jihad" or "al-Qa'ida" or "ISIS," you'll
18 get plenty of results, but most of those results are on news
19 sites or they are on chat sites, but they're on sites where
20 they're ordinary people who are talking about this or
21 providing information.

22 However, there are also locations on the Internet
23 that are not as easy to find and some of them are well off the
24 beaten path. But these are places where members, recruiters
25 of, and even leaders of terrorist organizations go to share

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1 information, to chat with each other, to discuss events, and
2 to recruit new members.

3 And these locations can be anything from a website, a
4 web forum -- this is the most common form of a terrorist's,
5 basically, foothold on the Internet, which is an Internet
6 discussion forum.

7 There's also other technologies like Twitter,
8 Facebook, and others which are not the Deep and Dark Web, but
9 nonetheless, terrorist organizations have established a
10 foothold on.

11 Q We're going to circle back around in a few minutes and
12 talk a little bit more about these forums and these chat rooms
13 and other mechanisms of social connection on the Internet, but
14 before we get into that, what year was Flashpoint Global
15 Partners created by you?

16 A Sure. Flashpoint, I believe, initially, was established,
17 I believe, in 2010/2011.

18 Q And generally speaking, what services does the company
19 provide its clients?

20 A Flashpoint provides a range of services or primary
21 services. It's to provide data. We provide raw data from the
22 Deep and Dark Web to a variety of different clients, including
23 government clients, as well as nongovernment clients, large
24 banks, other major financial institutions, retailers, you name
25 it, pretty much across the board.

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1 We are also asked to provide more refined analysis.
2 So in addition to providing the ability for our clients to
3 have, you know, a deep vision into the Deep and Dark Web, they
4 also ask us to take bits and pieces of information and to
5 provide human analysis on it:

6 What does this mean for us? What does this mean in
7 general? How does this impact in a greater sense?

8 And so we're asked to take various different pieces
9 of this raw information that we are collecting and we're asked
10 to then distill it into a report or a memorandum or even a
11 video, something that will allow others to read this and
12 comprehend it without necessarily having the experience and
13 the years of looking at this that we necessarily do.

14 Q You mentioned when we first started talking that you serve
15 as the Chief of Product Development and Research.

16 A I am actually the Chief Research and Development Officer.
17 I believe, initially, I was Chief Innovation Officer and then
18 we were given a shift in titles.

19 Q How many employees do you have at Flashpoint Global
20 Partners?

21 A Currently, we are, I believe, at 40; and by the end of
22 this year, we should probably be about 70.

23 Q And has your company received any grants or investments?

24 A We have received both grants and investments. About a
25 year-and-a-half ago, along with a team of other academics and

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1 researchers, we were the recipients of what is known as the
2 Kanishka Grant, which is a grant from the Canadian government,
3 that supports research into communications and propaganda and
4 recruitment by terrorist organizations obviously with a
5 particular focus looking at how that impacts the recruitment
6 of Canadians.

7 We have also received an investment sum, what's known
8 as a Series A investment, from actually a mixed group of
9 different investors, including TechOperators, which is a
10 venture capital firm based in Atlanta, Bloomberg Beta, Sysco
11 and, again, a variety of other investment partners.

12 Q So speaking about your --

13 A And that was for -- go ahead. Sorry.

14 Q No. That's okay. You can finish.

15 A And that was for a Series A investment round. It was a
16 \$5 million investment round. The idea was is that we were
17 supposed to double in size.

18 Q We started speaking a couple moments ago about your
19 company and some of the places on the Internet where your
20 company does research. Let's take a step back and just talk
21 about the research in general.

22 So generally speaking, what type of research does
23 your company provide?

24 MR. MAYNARD: Objection, Your Honor. This is beyond
25 the scope of --

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1 THE WITNESS: So we gather information --

2 MR. MAYNARD: -- the report that was provided.

3 THE COURT: Excuse me. There is an objection and I
4 know you can't see the lawyer that's standing to make the
5 objection.

6 The objection is overruled. The witness may answer.

7 THE WITNESS: So we collect information from a
8 variety of different locations on the Internet. The primary
9 location we look to, again, are places in the Deep and Dark
10 Web.

11 So this would include explicit forums, discussion
12 forums that are password-protected, that are set up to
13 disseminate information on behalf of al-Qa'ida and ISIS.

14 Similar forums also exist for groups like Hamas and
15 Hezbollah. We collect those too. We basically suck down all
16 of the information that's being posted on these sites, both
17 the messages that are being sent as well as the media.

18 And what do I mean by "media"?

19 These groups, they traffic very heavily in images and
20 in video. And that's typically, you know, propaganda,
21 sometimes other documents, but oftentimes it's propaganda of
22 these groups.

23 We save both the messaging content, in other words
24 what these people are saying to each other, as well as we also
25 save the media that they are releasing on behalf of these

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1 groups online.

2 We also monitor other locations that are not in the
3 Deep and Dark Web. So, for instance, Twitter, the social
4 networking platform Twitter. Twitter is open to almost
5 anyone. And, in fact, Twitter is used by millions of ordinary
6 people as well as Twitter is also used by credit card thieves,
7 by Russian hackers, and by terrorist organizations and by
8 members of terrorist organizations.

9 So while we don't monitor Twitter as a whole looking
10 for words like "bomb" or "gun" or "kill," we look for specific
11 accounts on Twitter that our analysts have identified as
12 belonging or being associated with particular terrorist
13 organizations, representatives of terrorist organizations, or
14 members of terrorist organizations.

15 BY MS. BROOK:

16 Q So you mentioned that your company sucks in or takes in
17 this type of information that you just outlined. When your
18 company brings it in, where do you keep it?

19 A Sure. The data is -- depending on what its type, if it's
20 a messaging content, it's stored in a giant search engine that
21 we have built that is kind of like -- we call it "Google For
22 The Deep and Dark Web." Right?

23 If it's video or propaganda, it's saved in kind of a
24 business-records type archive where each video or each image
25 or each website that's encountered, it's labeled with a

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1 particular time and date that it first emerged, it was first
2 posted online. The original source is saved so we know
3 exactly where we got it from. And then everything is
4 organized by group, by media wing.

5 So it's very easy for us to go back and say, okay,
6 between this period of time and this period of time, this
7 group and this media wing issued these videos and they came
8 from here and we know that because we have got the original
9 source right here.

10 So everything is being stored in the -- you know,
11 like business records, basically.

12 Q So you spoke specifically about videos which you store.

13 Do you also store and keep original communications
14 released by terrorist organizations?

15 A Yes. I should explain. We save video recordings. We
16 save communiques. We save magazines. We save original
17 images.

18 In the last few years, particularly, ISIS has begun
19 issuing photographic montages as part of their propaganda. We
20 save these as well. And, obviously, this information as a
21 whole offers a unique window into the activities of these
22 groups.

23 Q I want to take a step away from your research and
24 collection of information on the Internet itself and talk a
25 little bit about interviews that you have conducted.

1 Have you personally interviewed representatives,
2 members, and leaders of terrorist organizations?

3 A Yes, I have.

4 Q And can you explain that?

5 A Yes. I have conducted interviews with these individuals
6 both in person as well as online and over the telephone. The
7 reason why some of these interviews had to be conducted online
8 or over the telephone was simply that the people that I was
9 interviewing were in conflict zones where I would be -- I
10 would be in significant risk for traveling there and
11 attempting to meet with them.

12 The individuals that I am describing here include
13 everyone from individuals that have been convicted in U.S.
14 courts of terrorism offenses and British courts of terrorism
15 offenses; individuals such as Abu Hamza al-Masri, otherwise
16 known as Mustafa Kamel who was a recruiter for al-Qa'ida and
17 other groups.

18 I have also met most recently with Zacarias
19 Moussaoui, the alleged twentieth hijacker who is currently
20 imprisoned at Supermax Prison in Florence, Colorado.

21 I have interviewed leaders of a variety of
22 different -- Sunni Iraqi insurgent groups, including Hamas
23 al-Iraq, the al-Rashideen Army, and the Islamic Army of Iraq.
24 These interviews were conducted, obviously, over the telephone
25 and over the Internet because meeting with Sunni insurgents in

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1 Iraq is not a very safe thing to do.

2 I have also interviewed others from other groups that
3 are not necessarily al-Qa'ida but are also Sunni jihadist
4 groups such as Lashkar-e-Taiba. In addition to that, I have
5 conducted interviews with members of these groups.

6 So, back about a year ago, over the social networking
7 platform Kik, I was able to interview and speak with a young
8 Canadian individual in his late teens who had joined ISIS and
9 was working for ISIS in the city of Mosul in Iraq. And I was
10 able to interview him and chat with him via Kik and ask him a
11 variety of questions.

12 Most recently, I was speaking at length with an
13 individual known as Eunice Suli who is -- was the original
14 person behind the website that first launched al-Qa'ida in
15 Iraq, later ISIS, onto the Internet.

16 So I interview people at a variety of different
17 levels within the organizations, both leaders, recruiters,
18 members, people involved in logistics, i.e., getting folks on
19 the Internet to try to get a holistic view of what's going on
20 in these groups.

21 Q And you spoke a moment ago about interviewing certain
22 people who were obviously not located here in the United
23 States over the Internet or using some sort of a digital means
24 to connect with them.

25 Have you traveled to Iraq, Syria, Afghanistan, or

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1 Pakistan?

2 A No, I have not.

3 Q And is there a reason why you have chosen to not travel to
4 those locations?

5 A Yes. I obviously -- obviously, I had significant concerns
6 for my own safety. The work that I do is not a secret. The
7 fact that I work with the U.S. Government and other
8 governments in law enforcement cases is not a secret. It's a
9 well-known fact. I appear on television.

10 If we need to send someone to conduct an interview
11 with someone face-to-face, I'm not the person that is most
12 appropriate in a conflict zone such as Syria, Iraq,
13 Afghanistan. The risks are simply too high.

14 Q Let's talk about your language skills and the different
15 languages that you speak.

16 What languages do you speak?

17 A I speak -- fluently, I speak English and French.

18 Q And do you speak Arabic?

19 A I don't speak Arabic fluently, but I do have something of
20 a working knowledge from having studied Islam.

21 Much of Islam, the terminology of Islam, is Arabic
22 terminology. So I can't read Arabic characters, but I
23 understand quite a bit of transliterated Arabic.

24 Q So for your work within your company, how do you
25 compensate for not being fluent in Arabic?

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1 A We -- in my company we deal with many, many different
2 languages. We deal with -- even just on the jihadi side we
3 deal with Arabic, Urdu, Pashto, Farsi, French, English,
4 German. It's not possible for really any of us to speak all
5 of these languages.

6 So what we have done is we have hired a team of
7 subject matter experts who are either native speakers of these
8 languages or have had extremely extensive experience dealing
9 with these languages, including former polyglots working for
10 national security agencies here in the United States, folks
11 that speak many, many, many different languages far better
12 than I could ever.

13 And obviously, that allows us to quickly be able to
14 triage through information without having one person trying to
15 be a translator, an analyst, a researcher all in one.

16 Q So you have spoken about how you and your company gather
17 information off the Internet off the Deep and Dark Web and
18 other locations.

19 As part of how you function within your company and
20 what your company does, is there a categorization or a
21 classification of the information that you use and obtain in
22 order to generate memorandum and the research that you do?

23 A Yes. When we're looking at information, we break down
24 information into roughly three categories. Those three
25 categories are primary, secondary, and tertiary information or

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1 tertiary research.

2 Now, what do these different categories mean?

3 "Primary research" in the context of a terrorist
4 group or research on terrorism would be directly witnessing a
5 terrorist act or physically going and face-to-face speaking
6 with the leader of or representative of a terrorist group.

7 Now, quite obviously, there are some opportunities
8 for this and I have taken them. But there aren't a lot of
9 opportunities to meet face-to-face with the leaders of ISIS.
10 There aren't a lot of opportunities to witness a live
11 terrorist attack in progress. Those are fairly rare.

12 What's more common in terrorism research are
13 secondary sources. And "secondary sources" would be an
14 authentic, credible video recording put out by a terrorist
15 group, a website, an official website, authenticated, put out
16 by a terrorist group, or an official magazine, or an official
17 statement.

18 While these, obviously, are not quite as good as
19 being face-to-face with someone and being able to ask them
20 hard questions, these are authentic, credible, and reliable
21 pieces of information that are coming, in the vernacular,
22 directly from the horse's mouth. And these sources of
23 information are much more common in the study of terrorism;
24 and they are, frankly, the most reliable or the most reliable
25 common form of information that can be found in this field.

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1 The final category is tertiary information, tertiary
2 data. "Tertiary data" would be -- an example would be a
3 newspaper report of that terrorist group.

4 Now, there may be certain facts in that newspaper
5 report that are verifiable and are reliable and can be
6 rereported. However, it should be understood that journalism
7 and that media is the product of the viewpoint of the person
8 who is reporting.

9 And thus, with tertiary sources, researchers have to
10 be very careful to make sure that whatever angle they're
11 learning from this, it's not been tainted by the person that
12 created it.

13 And as such, tertiary sources, generally speaking,
14 are not used -- or they are only used in a limited context, I
15 should say. If the purpose is to establish that an event
16 occurred on a particular date and there is no doubt or no
17 question that that event occurred, then a tertiary source, a
18 New York Times source, a BBC article may be okay.

19 But for anything where there is any doubt or any
20 question or a lack of information, tertiary sources are most
21 of the time not reliable and that's why we try to avoid them
22 as much as possible.

23 Q So going back just briefly, you started speaking about the
24 primary sources of information and you highlighted interviews.

25 Earlier when we were talking, you spoke about a

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1 couple of interviews that you have done in your professional
2 capacity, one in particular, you talked about interviewing the
3 twentieth hijacker in the Supermax Prison in Colorado.

4 Have you also had the opportunity to interview
5 Abdullah Azzam's son?

6 MR. MAYNARD: Objection to the form of the question,
7 Your Honor.

8 THE COURT: Sustained.

9 BY MS. BROOK:

10 Q Who else have you interviewed?

11 A I have also interviewed the son-in-law of Abdullah Azzam.

12 I have interviewed at least two individuals in London
13 who are close associates or were among the founders of the
14 Saudi Islamist movement that led to al-Qa'ida.

15 I have interviewed Omar Bakri Mohammed, the founder
16 of the Al-Muhajiroun movement, which is currently sending
17 recruits to join ISIS and who has been expelled from the
18 United Kingdom for inciting his followers to murder people.

19 I have interviewed a variety of different people.

20 Q Have you attended extremist rallies or conferences, other
21 events where people who are part of these terrorist networks
22 gather?

23 A That's correct. I have, yes.

24 THE COURT: Excuse me, Ms. Brook, we're going to take
25 our morning break.

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1 Ladies and gentlemen, we'll reconvene in 15 minutes
2 at ten minutes to 11:00.

3 You are reminded of the admonition not to discuss the
4 case or form any conclusions about it until you've heard all
5 the evidence and begun your deliberations.

6 Court is in recess for fifteen minutes.

7 (Recess taken at 10:34 a.m.; resumed at 10:53 a.m.)

8 THE COURT: Thank you, ladies and gentlemen. Please
9 sit down. The record will show the presence of the jury,
10 counsel, and the defendant.

11 Ms. Brook, you may continue with your questions.

12 MS. BROOK: Thank you, Your Honor.

13 And before I do, I just wanted to check. I moved an
14 easel over there. And in a few moments we're going to move to
15 admit a demonstrative exhibit.

16 Is that okay for Your Honor in its placement?

17 THE COURT: It's fine.

18 MS. BROOK: In the break we had an opportunity to fix
19 the audio a little bit and so I don't think you need to hold
20 the microphone anymore.

21 BY MS. BROOK:

22 Q When we left off, we were talking about primary,
23 secondary, and tertiary sources of information upon which you
24 rely within your business.

25 And in speaking about the secondary sources, you

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1 talked about some magazines and publications that are put out
2 by terrorist organizations. You also mentioned the fact that
3 they're authentic.

4 How do you know that these magazines and publications
5 are, in fact, authentic?

6 A Sure. There is a multistep process to authenticating a
7 video, a magazine, a communique issued by a terrorist group.

8 The first thing you look to is where was it issued
9 from. And there are particular places on the Internet that
10 are password-protected and that are specifically and directly
11 endorsed by the leaders of al-Qa'ida, ISIS, and other groups
12 that are the official, unambiguous locations where this
13 material is released.

14 And in these locations there are rooms where only
15 official couriers from these groups can post new materials.
16 Thus, it's resolved not just for us, but for anyone else who's
17 interested in jihad propaganda. So that's the first thing is
18 where was it released from.

19 The next thing you look to is who released it. And
20 what do I mean by this?

21 Most videos that are produced by groups like
22 al-Qa'ida or ISIS, they don't say "al-Qa'ida Productions."
23 They don't say "ISIS Productions."

24 The watermark that they have on their material
25 represents a media wing which is the official media wing of

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1 al-Qa'ida or ISIS or another group, but it has a specific
2 name.

3 So, for instance, the main media wing for al-Qa'ida,
4 al-Qa'ida Central is known as As-Sahab; and this means "the
5 clouds." And they have their own insignia. And any time that
6 insignia, that watermark appears on a video, you know that
7 that should be -- it appears to be anyway -- the production of
8 al-Qa'ida's main media wing.

9 With regards to ISIS, there are a variety of
10 different official media wings, some that focus on Arabic and
11 some that focus on English and on other languages.

12 And then finally, there's the third piece, which is
13 what is shown in the video itself. Often these videos depict
14 things that could not possibly be faked. They are what we
15 call "self-authenticating." If you see someone being beheaded
16 on camera and at high resolution, it's very doubtful that was
17 created using special effects. It's very doubtful that was
18 created using sleight of hand.

19 And so those kind of things, an official appearance
20 by the leader of a terrorist organization on video, again,
21 those kind of things become self-authenticating in that they
22 are unique, they have never been seen before, and they clearly
23 contain content which represents reality.

24 Q If somebody posts a fake video, based upon what you have
25 seen in your line of work, what is the response from the

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1 Islamic State?

2 A It's interesting, because regardless of whether it is
3 al-Qa'ida or ISIS or any other terrorist group, fake videos
4 that are issued in the name of these groups get debunked very,
5 very quickly.

6 There have been occasionally attempts by people to
7 pass off data from one group as another. But within usually
8 minutes, because there is an active social networking
9 community online full of people who are jihadist who are very
10 familiar with these videos -- some of whom made these
11 videos -- they immediately call out people who are
12 disseminating fake material.

13 Q I want to circle back around for a moment to those
14 access-controlled forums that you were speaking about.

15 The forums that are access-controlled that you have
16 access to and that you are able to see, are the individuals
17 within those forums vetted by members of these terrorist
18 organizations?

19 A Yeah. The membership on password-protected web forums,
20 the main web discussion forums or groups like ISIS, those are
21 usually policed pretty heavily. It's very difficult to get
22 access and it's very difficult once you are on the forum to
23 post messages.

24 If you start posting content that isn't in line with
25 what these folks want to see, they will revoke your membership

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1 almost instantaneously. And just trying to get onto these
2 forums is extremely difficult.

3 They very rarely open up for new registration. And
4 when they do, almost invariably, in order to register, you
5 have to have another member of the forum sponsor you. In
6 other words, you have to be a known quantity. Somebody on the
7 forum has to be able to speak on your behalf and say this
8 person is legitimate.

9 Q I want to speak for a moment about your work in some other
10 areas.

11 Do you work with media, television media?

12 A Yes, I do.

13 Q And, specifically, who do you work with?

14 A Since October 2004 I have been on an exclusive contract
15 with NBC News, MSNBC. As part of that contract, I am required
16 to provide NBC and MSNBC with breaking terrorist media, in
17 other words, the latest ISIS videos, the latest ISIS
18 communiques.

19 I'm asked to vet other material that they collect
20 independently and determine whether or not it appears to be
21 real or it appears to be authentic; again, mostly relating to
22 al-Qa'ida and ISIS.

23 I also appear on television in order to provide
24 on-air analysis about events taking place involving ISIS and
25 al-Qa'ida.

1 So, for instance, during events such as the Charlie
2 Hebdo attack in Paris, or the most recent terrorist attacks in
3 Paris, NBC will have me come on their programs to explain the
4 context and developments and relevance to ISIS.

5 Q You talked a little bit ago about your consultation work
6 with the United States Government. Which agencies have you
7 worked with?

8 A I have worked with a variety of different U.S. Government
9 agencies including the Department of Justice, the FBI, the
10 Department of Homeland Security, various branches of the
11 United States Military.

12 I have worked with the United States Treasury
13 Department and the Secret Service and we have even done stuff
14 with intelligence agencies like the CIA.

15 Q I want to turn for a moment to your publications. What
16 books have you published on the subject of terrorism?

17 A What books have I published? I published one book, the
18 title of that book is *Al-Qa'ida's Jihad in Europe, the*
19 *Afghan-Bosnian Network*. It was published in 2004, first in
20 the United Kingdom and later that year it was published here
21 in the United States by Paul Gray Macmillan.

22 Q Does that book in particular touch upon any of the Jihadi
23 clerics or leaders that you came across in connection with
24 your work in this case?

25 A Yes. Yes, that's correct.

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1 Q And speaking specifically about that book, is that book
2 used as course material in any university classroom settings?

3 A Yes. Since its publication, it has been used as a course
4 text in classes that have been taught at the Johns Hopkins
5 School of Advanced International Studies, Harvard's Kennedy
6 School of Government. It's been used as a course text in the
7 universities in the United Kingdom and Australia. Yeah.

8 Q I want to talk for a moment about some of your other
9 publications and your articles.

10 Before I do though, I want to help us a little bit
11 with nomenclature to understand the concepts we're talking
12 about.

13 So the "Islamic State" is referred to as "ISIS," is
14 that true?

15 A Correct.

16 Q What else historically has that organization, the Islamic
17 State, been known as?

18 A Sure. Prior to January of 2006 the Islamic State, a/k/a
19 ISIS, was known as al-Qa'ida in Iraq.

20 In 2006 at two different points in time, al-Qa'ida in
21 Iraq decided to rename itself. First, it renamed itself the
22 Mujahideen Shura Council; and then a few months later,
23 following the death of its founder, it renamed itself, again,
24 the Islamic State of Iraq.

25 Once the Islamic State of Iraq in 2013 expanded into

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1 Syria, it became the Islamic State of Iraq and the Levant.
2 "The Levant" is a term that refers to what we describe as
3 Greater Syria. So this would include present day Syria,
4 Jordan, Palestine, Lebanon.

5 And then in 2014, excuse me, at a certain point in
6 time, the Islamic State then said: We're changing our name
7 again, and now we just want to be known as the "Islamic
8 State." So drop the "Iraq" and "Levant." Just call us "the
9 Islamic State."

10 Q So when we speak about "ISIL," is that referring to the
11 Islamic State and the Levant?

12 A Yes. Al-Qa'ida in Iraq, the Islamic State of Iraq, the
13 Islamic State of Iraq and the Levant, the Islamic State, the
14 Islamic State of Iraq and al-Sham, these are all the same
15 organizations. These are just different names at different
16 time periods for basically the same organization.

17 Q All right. So in focusing in on those organizations, the
18 Islamic State and its predecessor organizations that are all
19 fundamentally based upon the same root base, in the past
20 decade how often have you written about the subject of those
21 organizations?

22 A It's a very common topic. It's one of the primary topics
23 that I have written about, particularly al-Qa'ida in Iraq, the
24 evolution to the Islamic State of Iraq, the propaganda and
25 communication networks developed and employed by al-Qa'ida in

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1 Iraq and the Islamic State of Iraq.

2 Q And have you presented at conferences on the subject of
3 the Islamic State and its predecessor organizations?

4 A Yes. I've presented frequently, and again, particularly
5 on the propaganda, recruitment strategies, and online
6 communications of these particular groups.

7 Q So just a couple more quick questions about you before we
8 get into the context of your analysis and your work in this
9 case.

10 When did you first testify in a legal case as an
11 expert?

12 A I believe I first testified in 2004 in the Eastern
13 District of Virginia.

14 Q And in the United States since that point in 2004,
15 approximately how many cases have you been involved in
16 providing expert analysis?

17 A Involved in, it's been several dozen.

18 Actually, testifying, this, I believe, is the 32nd
19 time I have testified in U.S. Federal Court and it's the 34th
20 time I have testified in U.S. courts in general, if you
21 include military courts as well.

22 Q And just generally speaking, what are the concepts that
23 you've testified before as an expert in that capacity?

24 A The vast majority of my testimony has been focused on
25 al-Qa'ida, al-Qa'ida in Iraq, other al-Qa'ida affiliates,

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1 their hierarchy, their leadership, their financing, and their
2 communications.

3 Q You spoke about the 32 or so times here in the United
4 States that you've testified in federal court.

5 Have any of those occasions been on behalf of a
6 defendant?

7 A No.

8 Q And can you explain that?

9 A Yes. I have only been given one opportunity to testify on
10 behalf of a defendant. It was not in a criminal case. It was
11 in a human rights trial. And I believe that my research was
12 apparently going to be twisted to justify the genocide of
13 Muslims, something that I neither agreed with nor wanted to be
14 a part of.

15 Q During those occasions in which you have testified that
16 you have spoken about, have you been provided evidence which
17 you have reviewed and analyzed to determine what significance
18 or value it may have?

19 A Yes.

20 Q And we have talked about domestic cases.

21 Let's turn briefly to international cases. About how
22 many times in international courts have you testified?

23 A I believe I've testified a total of eleven times.

24 Q Have you testified in U.S. Military Commissions?

25 A Yes.

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1 Q Where?

2 A I have testified twice in the U.S. Military Commissions in
3 Guantanamo Bay, Cuba, and I was qualified a third time to
4 testify, though the trial has not been -- or it never was
5 completed.

6 Q So taken together since 2003, the work that you have done
7 consulting with the United States Government, and in addition
8 to which all these occasions that we've talked about where you
9 have testified as an expert, approximately how much have you
10 been paid by the United States Government?

11 A Sure. Personally, I have been paid approximately \$1.3
12 million over the last 12 or 13 years. This doesn't include
13 moneys that are now paid via contract to Flashpoint. However,
14 I don't receive a cut of those contracts. I receive a salary
15 from Flashpoint.

16 Q When you have worked for foreign governments, have you
17 been compensated as well?

18 A That's correct, yes.

19 Q And what is your current hourly rate?

20 A My consulting rate currently is \$400 an hour.

21 Q Are you paid any bonuses based upon the outcome of any
22 trial or hearing which you have testified in?

23 A No.

24 Q And have you been paid or do you expect to be paid in
25 conjunction with your work in this case?

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1 A I have not yet been paid. I do expect to be paid. I have
2 not yet submitted an invoice. I believe there is a contract
3 for up to \$20,000 of work in this case, but I'm not anywhere
4 close to that figure right now.

5 Q Still under that figure?

6 A Well under that figure by my estimates, yes.

7 Q All right. Let's turn our attention to your substantive
8 work in this case.

9 Before we do, Your Honor, the Government has produced
10 a demonstrative aid which is aimed to assist the jury in
11 understanding individuals heard and providing a picture of
12 those individuals during the testimony. It's Exhibit No. 386.

13 And so I would move to admit it so we can publish it
14 to aid the jury as we talk about certain individuals.

15 MR. MAYNARD: Defense objects, Your Honor. I saw the
16 demonstrative aid this morning. It has eight photographs on
17 it, only seven of them have been dealt with by Mr. Kohlmann.

18 THE COURT: So these -- I haven't seen it either but
19 I can see a little bit of the side of it.

20 So the only thing on here are photographs of
21 individuals with their name underneath?

22 MS. BROOK: Correct. And it's 383. I misspoke.

23 THE COURT: And there are eight different people
24 depicted?

25 MS. BROOK: That's correct.

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1 THE COURT: Are all eight of these individuals
2 pictured in exhibits that have already been admitted?

3 Mr. Maynard suggests that only seven of them have
4 been.

5 MS. BROOK: Yes, they are, or discussed. So their
6 pictures themselves are not necessarily embedded in the
7 exhibits, but their name and they have authored work that will
8 be discussed and talked about.

9 THE COURT: That's in admitted exhibits?

10 MS. BROOK: Correct.

11 MR. MAYNARD: I'm not sure that that's accurate. I
12 believe that there's one that may not have been.

13 THE COURT: Which one?

14 MR. MAYNARD: I can't remember. There are seven that
15 were on that list that the young boy had who testified and
16 then there's another one that I'm not sure where it came from.

17 THE COURT: Well, let's -- by any chance, do you have
18 one that's 8-and-a-half-by-11?

19 MS. BROOK: That would have been ideal, but I don't.

20 THE COURT: Let's see if we can figure out who it is.

21 MR. MAYNARD: I'm sure the Government knows which one
22 it is.

23 THE COURT: But when you look at it, do you know
24 which one it is?

25 MR. MAYNARD: I would not.

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1 THE COURT: How do you know there's one missing --
2 oh. Are you just saying it's because there were seven on the
3 list that was admitted?

4 MR. MAYNARD: Yes.

5 THE COURT: Oh. So --

6 MR. MAYNARD: There's one of them that I don't think
7 was ever discussed.

8 THE COURT: So which is the one that's not on the
9 list?

10 MS. BROOK: We disagree.

11 So, on the list; on the list; on the list; on the
12 list; publications admitted; we have talked about this
13 extensively related to Twitter and other areas; the same; and
14 publications admitted.

15 THE COURT: At the present time I'm going to -- while
16 Mr. Kohlmann testifies, I'm going to permit just so the jury,
17 when he speaks of the names, has the name there because
18 they're not names that any of us are familiar with on a
19 day-to-day basis and the photos.

20 I'm not admitting it at this time until I determine
21 that, in fact, all eight of them are part of the evidence in
22 this case.

23 MR. MAYNARD: Okay. And additionally, Your Honor, I
24 don't believe that Mr. Kohlmann in his report that I have
25 received dealt with all of these individuals.

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1 THE COURT: We'll see.

2 MR. MAYNARD: Okay.

3 THE COURT: But right now, I think it's a useful aid
4 for the jury as these individuals' names are mentioned to have
5 the actual spelling of the name there and the photograph
6 associated with it.

7 MR. MAYNARD: Okay.

8 MS. BROOK: Thank you, Your Honor.

9 BY MS. BROOK:

10 Q Who hired you in this case?

11 A I was hired by the U.S. Attorney's Office in Phoenix.
12 Excuse me.

13 Q And when did you begin your work?

14 A I began work on this case approximately -- well, today is
15 March 1st, so about three-and-a-half months ago.

16 Q What were you asked to do?

17 A I was asked to, first of all, review information provided
18 to me from the FBI; information, both analysis, as well as raw
19 information gathered by the FBI, and I was also asked to
20 produce an explanation of the history and development of the
21 Islamic State of Iraq and Levant otherwise known as "ISIL" or
22 "ISIS."

23 Q We've talked a little bit about an outline of the Islamic
24 State and you have spoken about historically who their
25 predecessor organizations were.

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1 Are you aware that whether or not the Islamic State
2 is a designated terrorist organization here in the United
3 States?

4 A It is.

5 Q And that designation, where does it come from?

6 A The designation is published in the Federal Register and
7 it's issued by the State Department --

8 Q Does the designation --

9 A -- as well as the Treasury Department.

10 Q Does the designation itself trace any of the historical
11 roots to which you were speaking about a few moments ago?

12 A Yes. The official designation of ISIS as a terrorist
13 group by the U.S. Government clearly enunciates the fact that
14 it is, in fact, the same thing -- that ISIS is the same thing
15 as al-Qa'ida in Iraq. It's just a new name for the same
16 organization.

17 Q How often would you say you look at, you review, you study
18 Islamic State materials?

19 A I would say it's something I do on an hour-by-hour basis
20 when I'm not in this room.

21 Q So let's turn first to the concept of "homegrown
22 extremist." What does that mean?

23 A "Homegrown extremists" refers to individuals who have been
24 radicalized, most of the time without ever leaving their
25 countries of origin.

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1 It used to be that individuals who sought to join
2 terrorist groups, the only way they could actually join the
3 group and be part of the group was physically going abroad and
4 attending a training camp and swearing an oath of allegiance
5 to the leader of a group.

6 But that has changed. And now there is something
7 called "homegrown terrorists" or "homegrown violent
8 extremists."

9 These are individuals who acquire the belief system
10 and ideas of terrorist groups and extremist groups, primarily
11 through online means, and then decide to carry out acts of
12 violence or decide to self-recruit into terrorist groups,
13 whether or not there is anyone to bring them into the
14 organization officially.

15 Q Does the Islamic State recruit homegrown violent
16 extremists?

17 A Yes. The Islamic State recruits people both directly and
18 indirectly and has aggressively encouraged people to carry out
19 acts of violence on its behalf and to join the organization,
20 whether or not they had any prior connection to the group, and
21 whether or not they have a high level of pedigree in terms of
22 their entering into the group.

23 Q How do you mean "pedigree"?

24 A It used to be that terrorist groups were very selective
25 about the people that that they chose to --

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1 MR. MAYNARD: Objection.

2 THE COURT: Excuse me, Mr. Kohlmann. There's an
3 objection.

4 MR. MAYNARD: Your Honor, I'm going to object to this
5 whole line of testimony about --

6 THE COURT: No. No objecting to whole lines. We're
7 going to go question-by-question.

8 MR. MAYNARD: I'm objecting to this testimony. It's
9 beyond the scope of the report. There's nothing in here about
10 homegrown terrorist groups.

11 THE COURT: Sustained.

12 MS. BROOK: And, Your Honor, if I may, this was
13 encompassed within our Notice of Intent to use Mr. Kohlmann as
14 an expert in this particular case. And it also ties in
15 directly to the pieces of evidence that he's going to talk
16 about that were found on the defendant's devices as well as
17 Simpson and Soofi's.

18 THE COURT: Hold on a minute.

19 Are you referring to the Government's Supplemental
20 Notice of Intent dated November 12, 2015?

21 MS. BROOK: Correct.

22 THE COURT: I'm withdrawing my "sustained" and
23 overruling the objection because this type of information was
24 disclosed as being the subject of expert testimony. And it
25 was --

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1 The rules do not require in this case that it be --
2 or the rules don't require a report at all, but it does not
3 require that it be encompassed within the report.

4 And this type of general information was provided in
5 the November 12th disclosure.

6 MR. MAYNARD: May I be heard?

7 THE COURT: No.

8 MR. MAYNARD: Okay.

9 BY MS. BROOK:

10 Q Going back to our question: How does the Islamic State
11 recruit homegrown violent extremists?

12 A Starting about 2012, groups like ISIS and others began
13 aggressively seeking out individuals that would carry out acts
14 of violence or would self-recruit into their ranks without
15 necessarily being directly told to do so.

16 In order to achieve that, there was a major obstacle
17 or major hurdle which is access or viewing audience.

18 ISIS does not own a conventional television station.
19 They have radio transmitters but only capable of broadcasting
20 inside of Syria and Iraq.

21 So how does a group like this manage to reach a
22 larger, wider, and more diverse audience? And how does it
23 reach people that, you know, are -- it's really a needle in a
24 haystack, because not too many people are really interested in
25 self-recruiting the terrorist groups.

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1 And the way that these groups have done that is
2 primarily through the Internet. The Internet allows these
3 groups to, number one, disseminate propaganda, their
4 propaganda, to a very wide and a very diverse audience.
5 Meaning that if there are needles in a haystack out there who
6 are interested in joining, they're more likely to see this
7 stuff online and it's unedited online.

8 If you go on television and you watch documentaries
9 about terrorist groups, everything has been carefully edited.
10 Everything has been carefully sanitized.

11 The Internet is raw. It's directly and raw. It's
12 the entire contents. So rather than watching two minutes of a
13 terrorist video or 30 seconds of a terrorist video on a news
14 broadcast, you are getting the entire unadulterated propaganda
15 message directly to your own home computer.

16 The other thing about the Internet which is very
17 useful for ISIS is that it provides not just for a means to
18 disseminate media, but it's bidirectional communication. The
19 Internet allows individuals who live in very isolated corners
20 of the world to make direct contact with representatives,
21 members, and leaders -- even leaders of these groups online.

22 Previously, those connections would have never, ever
23 been made; and now it's as simple as someone joining a chat
24 forum or even sending a direct message to someone over
25 Twitter.

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1 Q I want to talk first about the videos and messages that
2 the ISIS propaganda machine puts forward. Are those releases
3 unique in their production or their quality or any features of
4 them?

5 A The video recordings that are produced by ISIS are
6 generally regarded as the most sophisticated videos produced
7 by any jihadi organization, including al-Qa'ida.

8 ISIS has pioneered a number of techniques that -- and
9 indeed, al-Qa'ida has now mimicked -- that have been
10 incredibly effective using multiple cameras, using
11 drone-mounted cameras, filming scenes over and over again in a
12 very staged way, very slick graphics and video cuts.

13 This is the kind of thing that previously you would
14 have had to have multiple teams of cameramen with big heavy
15 cameras. You would have to have a huge studio to develop
16 this.

17 But the way the technology has developed, it's well
18 within the capabilities of a handful of guys armed with
19 over-the-counter video cameras and with computers that you can
20 buy almost anywhere -- laptop computers to buy almost
21 anywhere -- the software packages to produce this stuff are
22 openly available.

23 ISIS has simply done an incredible job of taking that
24 technology and using it to produce Hollywood-quality videos
25 and Hollywood-quality magazines.

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1 Q And the effect of these particular publications, releases,
2 videos, from your experience, what's the purpose of it?

3 A There are a number of different purposes in releasing this
4 media, for terrorist groups to release this media.

5 Obviously, one of the immediate reasons to release
6 this media is to terrify or to intimidate the enemies of the
7 group.

8 So in the case of ISIS, they hope to intimidate the
9 United States. They hope to intimidate Arab governments.
10 They hope to intimidate the governments of Syria and Iraq and
11 others, including France, the United Kingdom, European states,
12 almost everyone.

13 But that's not the only purpose. There is also
14 another audience that they are hoping to reach aside from
15 merely people that are opposed to them, their adversaries.
16 They're also looking to reach their sympathizers, their
17 supporters, potential recruits. And so they are looking to
18 solicit support in a variety of different means.

19 The two most important means that they hope to
20 receive support from this stuff is, number one, by releasing
21 these videos, they hope to induce people to donate money to
22 financially support them.

23 And it is true that groups that produce very slick
24 videos, very -- you know, quite astonishing video content,
25 that is where the interest level goes. And, of course, the

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1 interest level is not just money. They're also looking to
2 pull in recruits.

3 They're looking to bring in people who can serve both
4 in the front line as well as people who have specialized
5 skills and abilities or who have lived in Western countries.
6 Because people that live in Western countries have Western
7 passports and are familiar with how to get in and outside of
8 those countries.

9 So these videos also serve a key function in terms of
10 recruiting people to come in. And the reason that so many of
11 these videos by ISIS are now being produced in English or at
12 least subtitled in English, if not entirely produced in
13 English, is because that's exactly the audience that they want
14 to try to recruit.

15 Q We're going to come back to the concept of recruitment in
16 a minute, but before we move on, what I want to discuss are
17 some of the unique aspects or attributes of these videos or
18 images that you have seen being released from the Islamic
19 State.

20 I'm going to turn your attention -- and you have on
21 the computer there the exhibits numbered the same as we do
22 here. If I could turn your attention to Exhibit No. 459 which
23 is already admitted and the Government is going to publish and
24 this was already an admitted exhibit --

25 A Yes.

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1 Q -- from the defendant's Nextbook tablet.

2 In looking at this particular image, do you recognize
3 some of the aspects of the Islamic State imagery in it?

4 A Yes, I do.

5 Q What do you see?

6 A First of all, you can see fairly clearly on the right side
7 of the screen there appears to be a flag to the -- directly to
8 the right of the third individual dressed in black. That flag
9 is the official flag of ISIS.

10 Up until about 2013, it is true that al-Qa'ida, some
11 al-Qa'ida factions, also used this flag. However, in 2013,
12 once al-Qa'ida and ISIS began fighting with each other,
13 al-Qa'ida immediately stopped using this flag and this flag is
14 synonymous with the Islamic State.

15 There are other aspects as well of this video. First
16 of all, the mosque that appears to be behind these individuals
17 appears to be a mosque in Mosul, Iraq. There are very, very,
18 very few individuals in Mosul who would be in front of a major
19 mosque carrying an ISIS flag who are not, in fact, ISIS.

20 Q Let me take a quick look.

21 A There is also the circumstances --

22 Q Just as it relates to Mosul, why would it be that it is
23 primarily populated with people who are members of the Islamic
24 State?

25 A Because of the fact that in June of 2014, the Islamic

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1 State of Iraq launched an assault on the city of Mosul, Iraq,
2 seized control of the entire city of Mosul, put the entire
3 city under their direct control, and they are directly
4 responsible for policing and enforcing the law in Mosul and
5 they still do it till today.

6 And it's extremely unlikely that they would let an
7 event like this occur that they were not involved and really
8 directly responsible for.

9 Q And I interrupted you. You were about to talk about a
10 third aspect.

11 A Yes. The third aspect is the circumstances involved.

12 Every since 2004, first the al-Qa'ida in Iraq, now
13 the Islamic State, have had a fascination with executing
14 prisoners, executing individuals seized as prisoners. While
15 they are not the only group that does this, they are the group
16 that is most prevalent in terms of executing individuals in
17 this fashion and the execution process is almost always the
18 same.

19 You have several men, masked men, dressed in black in
20 front of a captive who is wearing an orange jumpsuit. The
21 orange jumpsuit is meant to signify the same jumpsuits being
22 worn by detainees in Guantanamo Bay, Cuba.

23 The individual behind him reads a speech and then
24 eventually decapitates the prisoner. Again, while al-Qa'ida
25 in Iraq/the Islamic State is not the only group that has done

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1 this, al-Qa'ida has deliberately avoided doing things like
2 this. And, in fact, for a long time, specifically told the
3 Islamic State to stop doing this and not to do this because it
4 is bad for publicity.

5 Nonetheless, the Islamic State continued with this,
6 and thus, it makes it extremely unlikely that this is the
7 product of al-Qa'ida or an al-Qa'ida affiliate, and almost
8 certainly, the product of ISIS.

9 And finally, of course, I actually recognize this
10 screenshot. This screenshot is from an official video
11 produced by an official media wing -- produced and released by
12 an official media wing of ISIS known as Al-Hayat Kisan Media.
13 And this video depicted the interrogation and execution of
14 Kurds -- of Kurdish Peshmerga fighters, anti-ISIS fighters,
15 who were captured by ISIS near Mosul. The title of this video
16 was: A Message to the Kurds, Barzani, and the Americans.

17 Q And you mentioned you recognized this video. You have
18 seen this video?

19 A Yes.

20 Q In the end in this video, what happened to this Kurdish
21 soldier?

22 MR. MAYNARD: Objection. Relevancy.

23 THE COURT: Sustained.

24 THE WITNESS: He was beheaded with --

25 THE COURT: Excuse me.

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1 I know this is difficult. The objection is
2 sustained. The jurors shall disregard the witness's last
3 answer.

4 MS. BROOK: Maybe, Your Honor, it will help if when
5 that happens I put my hand up since his image is on me. If I
6 put my hand up maybe that will assist because I know there is
7 the audio delay.

8 BY MS. BROOK:

9 Q You had spoken a moment ago about the Islamic State flag.
10 And I want to turn our attention to Exhibit No. 65. And this
11 is unique -- I'm going to place it on the overhead --
12 admitted and seized at the Garland scene in Texas.

13 I'm going to put it on the overhead, Your Honor.

14 I don't know. Do you have a copy of 65 since it's a
15 physical exhibit?

16 A No. I do not appear to have 65.

17 Q This is a unique circumstance.

18 Can I just approach the video to show him the flag
19 briefly and he can tell us what he sees?

20 THE COURT: Yes.

21 THE WITNESS: Yeah. I believe I can see it.

22 BY MS. BROOK:

23 Q Do you recognize what you see?

24 A Yes.

25 Q What is it?

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1 A This is the flag that is used as the official flag and
2 insignia of the Islamic State of Iraq and the Levant,
3 otherwise known as "ISIS" or "ISIL."

4 Q I want to turn back to some mechanisms of communication.
5 And a few moments ago you were talking about bidirectional
6 communication that's utilized by the Islamic State.

7 Is Twitter an example of that?

8 A Twitter, indeed, is an example bidirectional
9 communication.

10 Q And does the Islamic State utilize Twitter as a means of
11 communicating with recruits or other individuals?

12 A Yes, it does.

13 Q What role does it play for the Islamic State?

14 A One the problems the Islamic State or the terrorist groups
15 in general have with the idea of elite password-protected
16 discussion forums is that it's very difficult to recruit new
17 people if you have locked everyone else out.

18 And so ISIS and other groups as well, they needed a
19 new type of social-networking tool which would allow them to
20 get their media out to a very, very wide and a very diverse
21 audience, including people who don't have access to
22 password-protected Arabic-language only discussion forums with
23 very esoteric names.

24 And it happens that one of the things that has proved
25 very useful for these groups in using Twitter is the sense

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1 that they can use Twitter not only to post download links to
2 new videos, but that if someone watches one of these videos
3 and decides they want more information or that they want to
4 join the group, they can send -- then send a direct message to
5 the person who posted the video.

6 And they can say privately:

7 I would like to help out. I'd like to join. Can you
8 give me more information?

9 And this exists both in the context of official
10 representatives of the group, as well as unofficial
11 representatives of the group, people that would like to form
12 networks of people in support of ISIS and are looking for
13 other people to sign on.

14 So this allows these folks to come together, to
15 clump, and to find the leaders that they can get advice on
16 how do I get there? What do I do? How do I build this? What
17 do you need?

18 Q Why, in particular, are these particular recruiters for
19 ISIS and other terrorist organizations drawn towards the
20 Internet and these means of communication?

21 A It used to be the way that these folks recruited was is
22 that they would go into a mosque or a community center in a
23 Western country and they try to recruit other people through
24 those means. But after 9/11 with the law enforcement
25 intelligence clamp-down, it became impossible to have a known

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1 terrorist recruiter living in a Western country.

2 And anyone who is going to be on the phone talking
3 with a terrorist recruiter in another country was going to
4 immediately come to the attention of U.S. intelligence and
5 national security agencies.

6 The Internet allows these groups a safe medium, a
7 purgatory area where they can evaluate someone and determine
8 whether or not they really are serious, whether they are a
9 spy, whether they have capabilities that would be of use, and
10 be able to do that in such a way where they don't put
11 themselves at any degree or any significant degree -- or they
12 think any significant degree -- of risk.

13 Q Based upon your experience, are there individuals who
14 speak to those that are ISIS supporters or followers here in
15 the United States that have risen to your attention in your
16 line of work?

17 A Yes.

18 Q And can you describe -- tell us who they are.

19 A Sure. Arguably, the most famous such individual on behalf
20 of ISIS was a British national who is named Junaid Hussain.

21 Junaid Hussain initially became famous not as an ISIS
22 member but as a hacker. He was convicted and sent to jail for
23 six months in the United Kingdom for hacking into a former
24 British Prime Minister Tony Blair's address book.

25 He was a very famous hacker but he had nothing to do

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1 with jihad back then. After emerging from prison in the
2 United Kingdom, Mr. Hussain suddenly fled the UK and ended up
3 in Syria where he took a new name. He came known as Abu
4 Hussain al-Britani, which means Abu Hussain, the Britain.

5 And at that point he began using the same skills that
6 he had developed as a hacker in order to help disseminate and
7 redisseminate ISIS propaganda in order to provide advice and
8 assistance to other Westerners seeking to join ISIS and also
9 to urgently encourage individuals to carry out acts of
10 violence in the Western countries with or without the direct
11 knowledge or assistance of ISIS, in other words, homegrown
12 terrorist attacks.

13 Q Why did Junaid Hussain's message, in particular, resonate
14 with supporters of the Islamic State?

15 A Junaid Hussain was important and his message resonated
16 because he represented something that these groups have
17 aspired to for a very long time.

18 These groups want to have the picture -- want to have
19 the self-image of being very sophisticated, of being very
20 technical, of being very tech savvy, of having professionals,
21 you know, normal professionals coming and joining them and
22 giving them the leg up. They want to seem elite. They want
23 to have the elite folks coming and joining.

24 Junaid Hussain was a minor celebrity before he ever
25 got to Syria. There are very few people out there with the

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1 technical skills of Junaid Hussain who are available to be
2 recruited into ISIS.

3 This was a huge coup for ISIS and it also allowed
4 ISIS to market their message directly to people who come from
5 the same constituency as Mr. Hussain, i.e., Muslims or Muslim
6 converts living in Western countries who had little or no
7 prior contact with any jihadi group, including ISIS.

8 Q Who is Miski?

9 A Sure. So there was another individual who left his home
10 in Minneapolis back in 2008. His real name is Mohamed
11 Abdullahi Hassan. He is a Somali American. He was born, I
12 believe, in the United States, but his descent comes back from
13 Somalia in the East Coast of Africa.

14 In 2008 he left Minneapolis, Minnesota, his home, and
15 he went to join a group in Somalia known as al-Shabaab.
16 Al-Shabaab is al-Qa'ida's official local franchise in East
17 Africa and in Somalia.

18 Since arriving in Somalia, Mr. Abdullahi Hassan who
19 goes online by the name Mujahid Miski using a Twitter account
20 for himself. And using this Twitter account, Mr. Miski began
21 issuing calls for violence, began encouraging Westerners to
22 carry out acts of violence, and to self-recruit not just into
23 al-Qa'ida, but even into the Islamic State.

24 Mr. Miski is one of a group of individuals in Somalia
25 who, despite the conflict between al-Qa'ida and ISIS, has

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1 decided that he likes both groups and has endorsed both groups
2 and has supported both groups.

3 Q As we speak a little bit more here in a moment about the
4 importance or role of Miski, I just want to take a second and
5 chronologically understand.

6 What happened to Junaid Hussain?

7 A Junaid Hussain was killed in a U.S. drone strike --

8 Q And do you know --

9 A -- in Syria -- excuse me -- sometime last year. I forgot
10 exactly when.

11 Q So in discussing Miski, you talked about his presence and
12 use of Twitter.

13 I want to turn your attention to Exhibit No. 480
14 which you have before you. These are already admitted.

15 May I post?

16 THE COURT: Yes.

17 BY MS. BROOK:

18 Q We're looking here in the court at the image with the
19 handle Muhajir_Miskil_Miski.

20 A Yeah. It's Mujahir -- Mujahir_1436-Miski?

21 This exhibit 480?

22 Q I'm looking at page -- January 9.

23 A Oh, sorry. Sorry. January 29. Okay. Sorry.

24 January 9th or 29th?

25 Q Right. So if you can turn to January 29th, that would be

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1 great.

2 A 29th. Okay. One second.

3 I don't have January 29th. I have January 9th.

4 Q I misspoke. It is January 9th.

5 So two concepts --

6 A I have -- okay. Yeah.

7 Q Two concepts. First of all, the handle --

8 A Go ahead. Sorry.

9 Q The handle there for Miski has changed.

10 Can you explain that?

11 A Yes, I can. The activities of Mr. Abdullahi Hassan online
12 were coming to the attention of not only ISIS or al-Qa'ida
13 supporters, but they were also coming to the attention of
14 others, including law enforcement, and including the people
15 that run Twitter.

16 Twitter over the last two years has become
17 increasingly aggressive about removing accounts that violate
18 Twitter's Terms of Service Agreement.

19 One of the key prongs in that Service Agreement is
20 that individuals are not allowed to use Twitter to promote or
21 encourage acts of violence.

22 As a result, Mr. Miski began losing his accounts one
23 after the next. Within seconds or minutes of him posting
24 something that was encouraging a violent act, his entire
25 account would be removed.

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1 However, there is a problem with this strategy in the
2 sense that, yes, you do remove someone's account, but that
3 doesn't stop them from just going online and creating a new
4 one.

5 And, in fact, that's exactly what Mr. Miski did. He
6 just kept creating new accounts with very, very similar names
7 and would alert the people that were his most important
8 contacts: Hey, I'm back on. This is my new -- this is my new
9 account.

10 And Junaid Hussain, in fact, did the exact same
11 thing.

12 Q Do you recognize the image there that's above Miski's
13 handle?

14 A Yes.

15 Q Who is that?

16 A I believe that's -- I believe that's him.

17 Q Miski?

18 A Yeah. I believe so. Mohamed Abdullahi Hassan.

19 Q I want to talk a moment and discuss the Charlie Hebdo
20 attack.

21 Can you explain to us what happened at the Charlie
22 Hebdo Magazine in January of last year?

23 A Yes.

24 MR. MAYNARD: Judge, objection. It's been --

25 THE WITNESS: Over the past --

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1 THE COURT: Hold on a second.

2 MR. MAYNARD: It's beyond the scope of his report.

3 It's not relevant.

4 THE COURT: The objection is overruled on the grounds
5 of relevance but I don't want too much detail, just some
6 general background as to the -- why the magazine was targeted.

7 BY MS. BROOK:

8 Q So specifically focusing in on the attack itself, are you
9 aware why the Charlie Hebdo Magazine was attacked in Paris?

10 A Yes.

11 Q Can you explain that?

12 A Yes. Charlie Hebdo and several other European
13 publications had engaged in competitions to lampoon the
14 Prophet Muhammad.

15 Charlie Hebdo is a satirical magazine and it often
16 includes animations or cartoons. And so in order to defy the
17 rules of Islamic fundamentalists, Charlie Hebdo published
18 cartoons of the Prophet Muhammad. And in Islam, any kind of
19 drawing or picture of the Prophet Muhammad, technically, is
20 blasphemy.

21 And so these individuals at Charlie Hebdo were
22 deliberately committing, quote/unquote, blasphemy in order to
23 make a point about the freedom of speech.

24 Q As a reaction to that, was there a violent extremist
25 reaction to the magazine publication?

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1 A Yes. Both al-Qa'ida and ISIS have offered monetary
2 rewards and had repeatedly encouraged individuals living in
3 Western countries to assassinate and to murder anyone involved
4 in blaspheming the Prophet Muhammad, including the individuals
5 involved with Charlie Hebdo.

6 Q What day did the Charlie Hebdo attack occur?

7 A Charlie Hebdo attack occurred in the first few days of
8 January 2015.

9 Q Could it have been January 7th?

10 A That's correct, yes.

11 Q In speaking about Miski, did Miski have a reaction on
12 Twitter to the Charlie Hebdo attack?

13 A Yes.

14 Q What was it?

15 A He was ecstatic. He was thrilled. He lauded and heaped
16 praise upon the individuals responsible for the Charlie Hebdo
17 attacks and suggested that this was a model for other
18 individuals living in Western countries to follow.

19 Q Shortly after the Charlie Hebdo attack occurred in
20 January, are you aware of when the Draw the Prophet Muhammad
21 Contest in Garland, Texas, was announced?

22 A I believe it was announced approximately a
23 month-and-a-half afterwards in early March.

24 Q Was it March or was it February?

25 A I believe it was early March. It could have been

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1 February.

2 Q When it was announced, do you recall the modes of
3 communication of how it was announced?

4 A Yes. It was widely announced on the Internet. It was
5 announced on Twitter. It was announced via e-mail. It was a
6 major event and it got a lot of attention, including through
7 even through television and news broadcasts.

8 Q So you mentioned that it was announced via Twitter and
9 some other modes of communication. And based upon your
10 experience and your work with your company, are you aware that
11 certain people tweeted out in response to the announcement of
12 the contest?

13 A Yeah. I'm familiar with a number of different
14 English-speaking jihadists, particularly on Twitter, who were
15 very upset and were very motivated by this and were sending
16 out a lot of message content about it.

17 Q So that we understand clearly, what was the nature of the
18 concern as it relates to this particular contest?

19 A The nature of the concern among jihadists you mean?

20 Q Yes.

21 A These individuals felt that this contest was an excuse for
22 people to blaspheme and insult the Prophet Muhammad and to
23 insult Islam; and that to defend the dignity of the Prophet
24 and defend the dignity of Islam, it was necessary to stop this
25 event from taking place.

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1 Q I want to take a step back as we talk more globally about
2 online social communication. Do all homegrown extremists
3 directly communicate with ISIS members or supporters?

4 A No.

5 Q In your experience do homegrown extremists operate in
6 cells or groups?

7 A Sometimes, yes. You can have a lone wolf. It can be a
8 single individual. But frequently, what you have are groups
9 of guys that come together, each one of them having a
10 particular skill or ability or insight to contribute to the
11 group.

12 Q Specifically, as it relates to the Islamic State, have you
13 seen instances where single members, one individual member of
14 a cell, would communicate on behalf of the group itself with
15 supporters or recruiters of ISIS?

16 A This occurs both with ISIS as well as al-Qa'ida. It's
17 quite frequent -- it's quite common to have one person who is
18 the -- who is the hub for communications, for collecting
19 media, and then disseminating all this to the other members of
20 the group. It's also more secure this way as well.

21 Q How do you mean it's more secure?

22 A There is a basic sense of awareness among some of the
23 people involved with this that the U.S. Government is watching
24 people that are downloading jihadist propaganda, they are
25 watching people that are accessing Jihadi Twitter accounts,

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1 they're watching people that say crazy things online.

2 So the fewer members of a jihadist unit or group or
3 network that are actually physically on there and physically
4 downloading things, each one of them, the less likely it is
5 that all members of that network will come to the attention of
6 law enforcement.

7 Q You spoke earlier in your testimony about some of the
8 different mechanisms for support to be provided to the Islamic
9 State. I think you had spoken a little bit about some
10 financial assistance.

11 MR. MAYNARD: Your Honor, objection to the form of
12 the question.

13 THE COURT: Sustained.

14 BY MS. BROOK:

15 Q What kind of support is the Islamic State looking for?

16 MR. MAYNARD: Objection --

17 THE WITNESS: The Islamic State is looking for --

18 MR. MAYNARD: Objection. Foundation.

19 THE COURT: The objection is overruled. He may
20 answer.

21 THE WITNESS: The Islamic State is looking for a
22 variety of means of support. It certainly can use financial
23 support. It has its own financial means, but it can always
24 use more money and more financial support.

25 But more specifically, in terms of actually, you

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1 know, physical items, what it can really use is individuals
2 bringing drones or other kind of technology which may not be
3 that difficult to order -- or may not be that easy to order
4 via Amazon inside of Syria.

5 And then most importantly ISIS is looking for
6 recruits. They're looking for people that are going to be
7 able to provide them with a variety of different services.
8 They're looking for recruits who can go on the front line and
9 fight. They're looking for recruits who have specialized
10 computer skills who can help conduct their media operations
11 and can help disseminate their media. They're looking for
12 doctors. They're looking for people with experience in
13 infrastructure. They're looking for people that they can put
14 to work.

15 BY MS. BROOK:

16 Q What is "hijra."

17 A Hijrah is an Islam term that simply means "a journey" or
18 usually the connotation is a journey to an Islamic State or an
19 Islamic society.

20 Q Now, does the Islamic State mandate that its followers,
21 supporters, make a hijra to the Islamic State to provide
22 support?

23 A The Islamic State has said the following regarding hijra:

24 If you believe in our ideas and you are true Muslim,
25 you have two options. The first option is to make hijra and

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1 come here to the Islamic State and become part of the state
2 and help build the state.

3 And the second option is if you can't get here
4 through one way or another -- you don't have the money, you
5 can't get an airline ticket, you're under surveillance,
6 whatever it is -- then it's your obligation to support the
7 Islamic State in your own backyard.

8 And by that they mean carrying out acts of violence
9 directly inside of Western countries.

10 Q I want to speak specifically about exhibit, already
11 admitted, Exhibit No. 350 which you have on your computer.

12 A 350?

13 Q Yes. Correct. If you can look at the top left photo, I'm
14 not sure if it's a four-frame for you.

15 A No. It's one after the other, but the top left is No. 1,
16 right?

17 Q Yes. Do you see --

18 A Got it.

19 Q Do you see a message about a flight?

20 A Yes.

21 Q And are you able to read that?

22 A Yes.

23 Q What does it say?

24 A "When you get a flight from Bulgaria, you get a flight to
25 Sabiha Gokcen Airport not the Ataturk."

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1 Q Did this -- or does this particular message have
2 significance to you based upon your experience?

3 A Yes.

4 Q I want to speak specifically, what is Sabiha Gokcen?

5 A Sabiha Gokcen Airport is one of two major airports in
6 Istanbul, Turkey. The other major airport is Ataturk
7 International.

8 Q So what is the significance of those two particular
9 airports as it relates to the Islamic State recruitment?

10 A The primary point of entry for foreign fighters, including
11 Western fighters seeking to join ISIS, is by crossing the
12 border into Syria from Turkey.

13 The primary two entry points for Westerners seeking
14 to cross into Turkey are the two international airports
15 Ataturk International and Sabiha Gokcen.

16 Sabiha Gokcen is often preferred by ISIS members and
17 recruits because it is the smaller airport. It is less
18 well-known than Ataturk. And there is a sense among some of
19 these individuals that it is easier to slip through security
20 at that airport because it is not the main international
21 airport in Istanbul.

22 Q Turning our attention next to already admitted Exhibit No.
23 391, and if you can look to page 4, placing back on the
24 overhead a notebook found at the scene in Garland.

25 THE COURT: This is not admitted.

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1 MS. BROOK: So I believe the conditional admission
2 was provided for this notebook. It was still in transit back
3 from -- it was still in transit, so the physical notebook was
4 not admitted but foundation was laid during the witness that
5 testified about it being found there.

6 THE COURT: I thought we had a witness then come -- I
7 thought it arrived later that day and the witness came back on
8 the stand and testified about it.

9 MS. BROOK: I think you wanted the original notebook.
10 If our memory serves correctly, it was in transit and we did
11 lay foundation for this paper exhibit, which was a copy of the
12 notebook which is here.

13 So we would just move to admit and to publish so we
14 can talk about page No. 4.

15 THE COURT: So page No. 4 is a photograph of a page
16 from the notebook?

17 MS. BROOK: That's correct.

18 THE COURT: Did we admit the notebook?

19 MS. BROOK: We laid the foundation. But, again, it
20 hadn't physically arrived so we tabled the actual admission of
21 it. It's here.

22 THE COURT: What's the number on the notebook?

23 MS. BROOK: The notebook itself is not marked. This
24 was -- so this was 391. 391 was actually photographed at the
25 scene.

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1 THE COURT: If you could put it on the camera so I
2 can see what we're talking about. Maybe it's-- that will --

3 MS. BROOK: Sorry. 391 was photographed at the
4 scene. The notebook itself is not as great a resolution
5 because of the processing that happened to it at the lab,
6 although we would just ask to admit them together for
7 legibility purposes.

8 MR. MAYNARD: No objection.

9 THE COURT: 391 is admitted.

10 (Exhibit No. 391 admitted in evidence.)

11 BY MS. BROOK:

12 Q In looking at Exhibit 391, page 4, do you see one of the
13 two airports that you were just talking about a moment ago?

14 A Yes.

15 Q And which one was it?

16 A At the very top of the page it says "Sabiha Gokcen AP"
17 And I believe that's Sabiha Gokcen Airport.

18 Q I want to move on and take a step away from hijra as a
19 means of supporting the Islamic State and talk about --

20 THE COURT: It's noon though.

21 We'll take our lunch break, ladies and gentlemen, and
22 we'll reconvene at 1:15. You are reminded of the usual
23 admonitions.

24 Court is in recess until 1:15.

25 (Recess taken at 12:01 p.m.; resumed at 1:16 p.m.)

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1 THE COURT: Good afternoon, ladies and gentlemen.
2 Please sit down. The record will show the presence of the
3 jury, counsel, and the defendant.

4 Ms. Brook, you may continue your questions of Mr.
5 Kohlmann.

6 MS. BROOK: Thank you, Your Honor.

7 BY MS. BROOK:

8 Q Good afternoon. Is the audio working okay?

9 A Yes.

10 Q Perfect. All right.

11 Well, let's start back off where we left off. And I
12 want to speak for a second about the Draw the Prophet Muhammad
13 Contest. Over the break were you able to familiarize yourself
14 with more specificity about the date and the time when that
15 contest was announced?

16 A Sorry. Yes. It was February. Once again, I had
17 forgotten the date but it was definitely February.

18 Q And I want to place on the overhead what has already been
19 admitted and published.

20 And for Mr. Kohlmann's sake, it's Exhibit No. 157.

21 Your Honor, this one was actually conditionally
22 admitted. The page we're going to look at, however, I don't
23 believe there's any objection to, which is just the first
24 page.

25 THE COURT: Agreed?

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1 This is 157. It's the multi-page exhibit that we've
2 spoken about and I have reserved ruling on some portions of
3 it.

4 BY MS. BROOK:

5 Q So placing on the overhead. And if we may -- if we have
6 published for the jury Exhibit No. 157, does this refresh your
7 memory with a little more specificity about when in February
8 the contest was announced?

9 A I believe it's February 13th.

10 Q And that tweet that we're looking at, is that an initial
11 tweet by Jack Fink in regard to the event itself and the fact
12 that there was an award, a prize award, offered for the
13 winning contestant of the individual who was going to draw the
14 Prophet Muhammad?

15 A That's correct. This appears to be a -- actually from a
16 journalist or a news report on behalf of CBS in the Dallas/Ft.
17 Worth area.

18 Q Moving along, right before the break we talked about hijra
19 and the concept of traveling to the Islamic State.

20 I had asked you about when it's not possible, was
21 there anything that the Islamic State had directed.

22 And if -- you may just refresh the jury's memory
23 about what the other options were if hijrah isn't possible.

24 MR. MAYNARD: Objection. Asked and answered.

25 THE COURT: Sustained.

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1 BY MS. BROOK:

2 Q Are you familiar with an individual by the name of Adnani?

3 A Abu Mohammed al-Adnani.

4 Q Who is he?

5 A Abu Mohammed al-Adnani Ashami is the official spokesman
6 for ISIS.

7 Q And do you know when abouts he became the official
8 spokesperson for ISIS?

9 A I believe we first saw him in 2012.

10 Q As the official spokesperson, has he made any statements
11 regarding directives for followers of the Islamic State?

12 MR. MAYNARD: Objection.

13 THE WITNESS: Yes, he has.

14 MR. MAYNARD: Hearsay.

15 THE COURT: Is the next question to ask what he's
16 said?

17 MS. BROOK: Well, to understand what the directive
18 is, yes.

19 THE COURT: The objection is overruled. It's not
20 offered for the truth but what other people might hear.

21 BY MS. BROOK:

22 Q So what was it that Adnani has said to followers of the
23 Islamic State?

24 A Abu Mohammed al-Adnani Ashami has told followers of the
25 Islamic State that they have two options; either they travel

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1 to Iraq and Syria to join the organization, or else they
2 should kill people in their own backyards using whatever means
3 they have targeting the unbelievers of Islam.

4 Q When was it that Adnani declared that proclamation?

5 A Well, he said it a couple different times, but he said it
6 again in September of 2014.

7 Q And in September of 2014 when he made that proclamation,
8 how was it disseminated?

9 A It was disseminated via an official audio recording of Abu
10 Mohammed al-Adnani Ashami that was released by the official
11 media wings of the Islamic State of Iraq and the Levant.

12 And that audio recording was subsequently reported on
13 by dozens and dozens of international newspapers, television
14 programs, magazines. It was a fairly big event because it was
15 rare for the official spokesman of a major terrorist
16 organization to advise people to kill their neighbors with
17 knives and with running them over, any means at their
18 disposal. That doesn't usually come up in the context of
19 terrorist groups. This was a little unusual.

20 Q If I can turn your attention to Exhibit No. 495 and place
21 on the overhead what's been marked Exhibit No. 495, do you
22 recognize this?

23 A Yes, I do.

24 Q And what do you recognize it as?

25 A I believe this was a list of 100 U.S. military personnel

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1 along with photographs and other information that was issued
2 in the spring of 2015 -- I believe March of 2015 -- by a group
3 calling itself the Islamic State Hacking Division.

4 It purported to be personal identifying information
5 or what's known as PII about U.S. military servicemen that it
6 was disseminating to other jihadists, presumably, in order to
7 target these individuals.

8 MS. BROOK: The government moves to admit and publish
9 495.

10 MR. MAYNARD: No objection.

11 THE COURT: 495 is admitted.

12 (Exhibit No. 495 admitted in evidence.)

13 BY MS. BROOK:

14 Q In looking at this exhibit, we see underneath it written
15 the Islamic State Hacking Division.

16 Who are they, specifically?

17 A The Islamic State Hacking Division, as far as we
18 understand it, is not necessarily an official part of the
19 Islamic State. An individual has been indicted in Malaysia
20 for his role in the Islamic State Hacking Division.

21 However, it is understood that Junaid Hussain played
22 a role in the dissemination and release of this data as well.

23 Q This data, was it released on the Internet?

24 A It was, yes.

25 Q You spoke about March of 2015 and we're going to flip to

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1 it the next page.

2 Specifically, what was contained within this release?

3 A It contained the personal addresses, photographs, full
4 name and military posting of 100 U.S. military servicemen,
5 again, presumably with a goal of targeting these individuals
6 by -- targeting these individuals for either electronic or for
7 physical attack.

8 Q What was the directive set out by the Islamic State as it
9 relates to these hundred people?

10 A They should be targeted because they are soldiers of the
11 enemy.

12 Q I'm turning to page No. 2 which we have redacted in part,
13 but in looking at it, what information was contained in the
14 original release that was disseminated on the Internet by the
15 Islamic State as it relates to these hundred Americans?

16 A Well, again, it contained photographs. It contained their
17 full address. It contained their posting, their full name,
18 and other bits of information.

19 Q Turning our attention to the middle of this particular
20 page, was one of those 100 a Major Gina M. Fedoruk -- Fedoruk?

21 A Yes. Major Gina M. Fedoruk, yes.

22 Q And Major Fedoruk, was her address also listed?

23 A Yes.

24 Q And for the purpose of the record, Your Honor, I'm just
25 going to read. Was it 15206 South 31st Street, Phoenix,

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1 Arizona, 85048?

2 A Correct.

3 Q In conjunction with this case have you seen a handwritten
4 list that contains any names also listed on that particular
5 list of 100 military members?

6 A I don't recall.

7 Q Placing on the overhead --

8 A You mean the 100 U.S. servicemen? I don't recall.

9 Q Placing on the overhead what's been marked as Exhibit No.
10 496, and turning to page 2, do you have 496 before you?

11 A Unfortunately, no, I do not.

12 MS. BROOK: Your Honor, we can see if I can approach
13 the screen --

14 MR. MAYNARD: Your Honor, I'll stipulate that the
15 name that's on the notebook is the name that was --

16 THE COURT: Well, this 496 has not been admitted.
17 Are you offering it?

18 MS. BROOK: Yes. We are offering it.

19 THE COURT: Is there any objection?

20 MR. MAYNARD: No.

21 THE COURT: 496 is admitted.

22 (Exhibit No. 496 admitted in evidence.)

23 BY MS. BROOK:

24 Q And just reading there for the purposes of the record
25 Major Gina M. Fedoruk, 15206 South 31st Street, Phoenix,

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1 Arizona, 85048.

2 How did this --

3 THE COURT: And also for the record, since we didn't
4 have the person to lay the foundation, this exhibit, ladies
5 and gentlemen, is described as a page from a blue notebook
6 found at Soofi and Simpson' apartment.

7 MS. BROOK: And, Your Honor, also it came -- it's a
8 page that's been copied. The blue notebook is also listed in
9 its entirety which is 352.

10 BY MS. BROOK:

11 Q Can you explain for us --

12 THE COURT: Well, hold on. If we have 352 in
13 evidence, then I don't see why we need 496.

14 MS. BROOK: So similar to the -- or similar to the
15 pages we were talking about before with the Sabiha Goken AP at
16 the top, when processing by the lab, the pages become a little
17 distorted. And so the photographs were taken before any
18 processing was done. So for ease of readability, we just
19 submit that to the jury for them to be able to see clearly.

20 THE COURT: Okay. Thank you.

21 BY MS. BROOK:

22 Q Going back for a moment.

23 So what was the message as it relates to these
24 hundred servicemen and women?

25 MR. MAYNARD: Objection. It's been asked and

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1 answered.

2 THE COURT: Sustained. Sustained.

3 BY MS. BROOK:

4 Q As we're grabbing the physical exhibit, I want to turn our
5 attention to a book entitled Defense Of The Muslim Lands.

6 That particular publication, was it relevant or
7 significant in your analysis in this case?

8 A Yes.

9 Q And how so?

10 A It was significant in the sense that the author of the
11 book is arguably known as the godfather of modern jihad, of
12 contemporary jihad, and was responsible for the fact that
13 foreign fighters first went to Afghanistan in the 80s to begin
14 with. He was the father of this entire movement.

15 Q So placing on the overhead what's already been admitted as
16 Government's Exhibit No. 67 found at the scene in Garland, of
17 course, difficult with the resolution, so you were speaking
18 about the author of Defense Of The Muslim Lands. And tell us
19 more about Shaykh Abdullah Azzam.

20 A Sure. Shaykh Abdullah Yusuf Azzam was a Palestinian
21 cleric with a very strong belief in violent jihad.

22 During the 1980s he embarked upon a worldwide
23 campaign to raise money and recruit followers to travel to
24 Pakistan and to join the mujahideen in Afghanistan and fight
25 against Communist-backed forces in Afghanistan.

1 However, for Azzam, the idea was not merely to,
2 quote/unquote, liberate Afghanistan. The idea was to use this
3 opportunity to build an Islamic State that would end up with
4 the liberation of Islamic lands across the Middle East, most
5 importantly, Palestine, the homeland of Mr. Azzam.

6 In order to carry out this, Azzam recruited several
7 individuals to serve as his righthand men. One of his top --
8 one of his top lieutenants, one of his top affiliates, was
9 Osama bin Laden.

10 Osama bin Laden credited Azzam with having imbued him
11 with the ideas of jihad and the desire to participate. Azzam
12 assisted in the formation of al-Qa'ida. However, in 1989,
13 less than a year after al-Qa'ida was formed, Azzam was killed
14 in a car bomb -- most likely a car bomb that was set by
15 dissident al-Qa'ida members who disagreed with his philosophy.

16 Q Is this book Defense Of The Muslim Land significant to
17 homegrown violent extremists?

18 A Defense Of The Muslim Lands is arguably one of, if not the
19 most famous, book ever written by Azzam. The book itself
20 explains the logic behind why individuals should join the
21 mujahideen in Afghanistan and elsewhere, the necessity to
22 liberate Muslim lands by force, by violent jihad.

23 There are a lot of key concepts that are laid down
24 here that continue to be echoed by a variety of different
25 groups. And, in fact, Azzam himself, even long after his

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1 death, continues to be featured in both al-Qa'ida and ISIS
2 propaganda videos.

3 Q So specifically, how does ISIS view Abdullah Azzam?

4 A They view him more or less the same way everyone else
5 treats him, which is that despite any ideological
6 disagreements that might exist, they treat him as the
7 godfather of modern jihad.

8 They treat him as someone who pioneered the concept
9 of fighting against the West. They treat him as someone who
10 pioneered the concept of the modern mujahideen movement. And
11 without him there would be no al-Qa'ida. There would be no
12 ISIS.

13 Q Before we move along, I want to place on the overhead
14 Exhibit No. 351, already admitted, as the handwritten list
15 that Elton Simpson handed to Waseem -- or wrote for Waseem
16 Hakeem (sic) -- on May 1st. In looking at this list, do you
17 see Azzam?

18 A I'm sorry. What exhibit number is that?

19 Q 351.

20 A I have a different Exhibit 351.

21 MS. BROOK: May I once again just approach?

22 THE COURT: Yes.

23 THE WITNESS: Um, honestly, I can't read that
24 document.

25 Oh, now I can. Now I can. Just hold it up. Hold it

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1 steady. Sorry. Keep going. I'm sorry. I can't really. I
2 can only read it for seconds.

3 I have seen that document before and I recognize it
4 that Azzam's name is on there, but I can't read it right now.

5 MS. BROOK: Your Honor, perhaps for ease as we're
6 going to talk about this document over the next course of the
7 witness's testimony, we could perhaps, electronically, if I
8 could just inquire of somebody from our office who might be
9 able to electronically transmit it to Mr. Kohlmann so it's
10 available for him.

11 THE COURT: That would be fine.

12 BY MS. BROOK:

13 Q You mentioned that in seeing that document before you did
14 see his name on it?

15 A I did at the time when I saw it previously, I did, yeah.
16 I couldn't read it that well just now though.

17 Q I want to move along and talk about Anwar al-Awlaki.

18 And as we do, I'm going to turn your attention to
19 some text strings, first starting with 488 and 489. If you
20 could just look at those text strings for a moment.

21 Placing on the overhead the text strings from the
22 Acer first, 488. And, Mr. Kohlmann, do you see them on your
23 computer?

24 A Yes, I do.

25 Q Perfect. And next I'm going to put on it 489 and then

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1 we're going to talk about them together.

2 A Okay.

3 Q Were these text strings of significance in your evaluation
4 in this case?

5 A Yes.

6 Q How so?

7 A These text strings, number one, appear to reflect someone
8 either browsing or downloading audio recordings of Shaykh
9 Anwar al-Awlaki, including but not necessarily limited to, The
10 Life of Muhammad, the Makkan Period.

11 As well as that the lectures themselves appear to be
12 downloaded from two locations, one of which is known as the
13 website -- the website is known as Hoor-al-ayn.com.

14 "Hoor-al-ayn" is an Arabic expression or Islamic
15 expression referring to the Virgins of Paradise.

16 Q And Hoor-al-ayn.com, is that a website that you have
17 become familiar with in your line of work?

18 A Yes, it is.

19 Q What type of information is published on that particular
20 website?

21 A Hoor-al-ayn.com is a website that was set up to
22 disseminate audio recordings by particular very, very
23 conservative salafi Muslim clerics, principally among them,
24 Anwar al-Awlaki.

25 Q So break that down. Conservative salafi cleric. What

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1 does that mean?

2 A Sure. Within Islam there are a variety of different
3 sects, just like within Christianity you have Protestants and
4 you have Catholics and whatnot.

5 Within Islam you have shiites and you have sunnis.
6 And then even within that split you have people that follow
7 different schools of belief.

8 One of the schools of belief in sunni Islam is known
9 as "salafism." Salafism preaches a return to the essential
10 parts of the faith.

11 When we talk about fundamentalism, salafism is
12 fundamentalism. It talks about throwing off all of the
13 materials that have been accumulated over years and going back
14 and practicing Islam exactly as it was practiced or as close
15 as possible to as it was practiced at the time of the Prophet
16 Muhammad.

17 Now, salafis tend to be very conservative and very
18 strict in their religious beliefs. Not all salafis are
19 violent. However, most jihadists, most sunni jihadists are
20 either salafis or a derivation of the salafi school.

21 Q Before we move along and talk more specifically about
22 Anwar al-Awlaki, I want to turn your attention to Exhibit No.
23 491. And I'm placing on the overhead 491 which has already
24 been admitted and published.

25 Do you have it there?

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1 A Yes.

2 Q Turning our attention to the bottom part of that
3 particular page where it says: "User: git." And then it
4 refers to certain line bits.

5 Do you see Anwar al-Awlaki's name listed there?

6 A Yes.

7 Q You mentioned before the Makkan Period and that being of
8 significance.

9 What is that?

10 A The Makkan Period is a -- basically, Anwar al-Awlaki is
11 known for particular audio sermons that he has recorded. One
12 of those sermons, it's a multi-part sermon, very in depth on
13 the life of the Prophet Muhammad.

14 The sermon is divided between two periods of the
15 Prophet's existence; the Makkan Period and the Medinan Period.

16 This is the Makkan Period -- or this is an audio
17 recording containing the Makkan Period.

18 Q So Anwar al-Awlaki, is he admired by violent jihadists?

19 A Well, he's deceased; but, yeah, he's extremely popular
20 amongst jihadists because he, at the time of his death and
21 prior to that, he was arguably one of the, if not the most
22 prominent salafi jihadi cleric on Planet Earth.

23 Q And as such, is al-Awlaki significant to those people who
24 support and follow the Islamic State?

25 A Yes. Even though Mr. Al-Awlaki was associated with

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1 al-Qa'ida and not the Islamic State, because of the fact that
2 he died -- or he was killed before ISIS and al-Qa'ida began
3 openly feuding -- al-Awlaki continues to be respected and
4 treated with respect by individuals associated with the
5 Islamic State.

6 And while he was alive, he had nothing but good
7 things to say about what was going on in Iraq.

8 Q We're going to talk more specifically about Anwar
9 al-Awlaki as we progress. I want to hone in on one lecture in
10 particular, and that's Constants on the Path of Jihad.

11 Was that one of his lectures?

12 A Yes.

13 Q What was that about?

14 A It's -- Constants on the Path of Jihad in Arabic it's
15 known as "Thawaabit ala darb al Jihad." It originally was
16 adapted from -- it was adapted by al-Awlaki from an original
17 Arabic language recording that was created by the founder of
18 al-Qa'ida in Saudi Arabia. Al-Awlaki took that recording and
19 took that book and made his own English language version out
20 of it.

21 Constants on the Path of Jihad has a very, very
22 simple message. The message is is that you do not wait to
23 have a good leader to wage jihad. You do not wait until you
24 get to Iraq or Syria to wage jihad. You do not wait until you
25 have other people who are willing to join alongside you to

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1 wage jihad.

2 If you believe in these ideas, wherever you are, it's
3 your obligation to wage violent jihad. There are no borders.
4 There are no limits. It's your obligation, regardless of
5 where you are or who you are.

6 And that is, again, it's -- that was a major -- it
7 was a major move forward in this ideology, a major push
8 forward. And it had a tremendous impact, particularly on
9 people who were outside of these groups, in other words,
10 homegrown violent extremities.

11 Q Are you familiar with that particular lecture Constants on
12 the Path of Jihad being recovered in this particular case?

13 A Yes.

14 Q That sermon, was it in English?

15 A Well, again, the original version in Arabic was given by
16 the leader of al-Qa'ida in Saudi Arabia. The more famous
17 version of it is the English translation by Anwar al-Awlaki
18 which, again, is entirely in English.

19 Q Do you know whenabouts it was released?

20 A Yes. It was released in 2005.

21 Q And I'm placing on the overhead Exhibit No. 279 already
22 admitted.

23 Mr. Kohlmann, in looking at the exhibit you have
24 before you, if you can scroll to 279, is that the Constants on
25 the Path of Jihad that we have been referring to?

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1 A Yes. And you can see here, it specifically says Constants
2 on the Path of Jihad by Shaykh Yusuf al 'Uyayree.

3 Yusuf 'Uyayre was the founder of al-Qa'ida in Saudia
4 Arabia. And below that it says: Lecture series delivered by
5 Imam Anwar al-Awlaki.

6 Q Is this lecture one that is significant to the followers
7 of the Islamic State?

8 A It's -- it's significant -- it's extremely significant to
9 followers of violent jihad across the spectrum. Anyone who is
10 a salafi jihadist, this has a tremendous amount of impact
11 for -- especially if they speak English.

12 Q How was it that Anwar al-Awlaki died?

13 A Anwar al-Awlaki died on September 30, 2011, in a U.S.
14 drone strike in Yemen.

15 Q And in his death, how do violent extremists see Anwar
16 al-Awlaki?

17 A Violent extremists treat Anwar al-Awlaki as what they call
18 a shahid. "Shahid" in Arabic means "martyr."

19 They believe that he was martyred fighting on the
20 battlefield with the United States. They treat him as an
21 honored individual and is someone, again, who put his money
22 where his mouth was.

23 Q I want to show you Exhibit No. 490 already admitted from
24 the Acer computer. As you look at Exhibit No. 490, does it
25 show another website that you're familiar with?

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1 A Yes.

2 Q And what website is that?

3 A This is a website known as Kalamullah.

4 K-A-L-A-M-U-L-L-A-H. Kalamullah.com.

5 Q And is Kalamullah.com a website that is significant to
6 violent extremists?

7 A Yes.

8 Q How so?

9 A Kalamullah is very, very similar, if not directly
10 analogous, to the other website I discussed previously
11 Hoor-al-ayn.com.

12 This is a website set up to disseminate primarily
13 audio recordings and other sermons issued by very
14 conservative, some would say, extreme salafi clerics including
15 most prominently Anwar al-Awlaki.

16 Q I want to ask you about the Al Mojahden Electronic
17 Network. Are you familiar with that?

18 A Yes.

19 Q And what is it?

20 A Yes.

21 Q What is it?

22 A The Al Mojahden -- the Al Mojahden Electronic Network is a
23 now-defunct Arabic and English-language jihadi discussion
24 forum that was existing primarily, I believe, between about
25 2009 and 2012.

1 It was one of the forums online that allowed
2 jihadists to come along, to disseminate official media from
3 groups like the Islamic State and from al-Qa'ida, and allowed
4 individuals to chat.

5 It was unusual in the sense that it was one of the
6 very few discussion forums of that type that had an active
7 English-language component to it. They also published their
8 own media or republished their own media as well as having a
9 forum.

10 Q And based upon your review of the Acer computer, the
11 string sites that we've been talking about, was that network
12 one that was reviewed on the Archive.org page that you have
13 seen?

14 MR. MAYNARD: Objection to the form of the question.

15 I don't think he has ever testified he reviewed the
16 Acer computer. I think he said he's reviewed documents that
17 have been provided to him.

18 THE COURT: Restate your question, please, Ms. Brook.

19 BY MS. BROOK:

20 Q In reviewing documents related to the Acer computer and
21 its analysis and also the string site exhibits that you have
22 spoken about, was that particular network one that was
23 accessed?

24 A Yes. It did appear that there was evidence that someone
25 had downloaded Anwar al-Awlaki recordings that were

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1 specifically uploaded and published on the Internet archive by
2 the Al Mojahden Electronic Network.

3 Q I want to talk a little bit about big-picture significance
4 with Anwar al-Awlaki.

5 And can you explain the significance that he played
6 in the Nidal Hasan mass shooting at Ft. Hood?

7 MR. MAYNARD: Objection. Relevancy.

8 THE WITNESS: Yes.

9 THE COURT: Hold on.

10 MR. MAYNARD: Relevancy.

11 MS. BROOK: And, Your Honor, it pertains directly to
12 the January 3rd tweet where Simpson was discussing with Miski
13 that individual.

14 THE COURT: Sustained.

15 I'm sorry. I meant the other way. Overruled.

16 BY MS. BROOK:

17 Q Please.

18 A Yes. Major Nadal Malik Hasan carried out a massacre of
19 U.S. military personnel at Ft. Hood, Texas.

20 Prior to carrying out that massacre, Mr. Hasan
21 contacted Anwar al-Awlaki via e-mail, expressed his support
22 and admiration for al-Awlaki, and asked for his advice in what
23 to do next.

24 After the Ft. Hood massacre, Mr. Al-Awlaki issued
25 multiple statements through the official media wing of

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1 al-Qa'ida in Yemen in which he directly took credit for the
2 Ft. Hood massacre.

3 He called Major Hasan his student and he indicated
4 that others should follow in the footsteps of Major Hasan and
5 that he was very proud of what Major Hasan had done.

6 Q Was Major Hasan another homegrown, violent extremist?

7 A Yes. Major Hasan did what he did without receiving any
8 direct orders from any terrorist organization.

9 Q I want to turn our attention to Exhibit No. 164.

10 Are you familiar with a lecture known as The Battle
11 of Hearts and Minds?

12 A Yes, I am.

13 Q Placing on the overhead what has already been admitted as
14 Exhibit No. 164, the search history from the Lenovo laptop.

15 In looking at Exhibit No. 164, what do you see?

16 A This appears to be text string information relating to
17 searches on the YouTube video streaming service. Someone
18 looking for the search terms battle+of+hearts+and+minds+anwar.

19 And then someone going ahead and viewing multiple
20 pieces or multiple sections of the Anwar al-Awlaki recording
21 Battle of Hearts and Minds on YouTube.

22 MS. BROOK: And, Your Honor, placing on the overhead
23 what has already been admitted as Government's Exhibit No. 390
24 which is the full lecture of the Battle of Hearts and Minds
25 found in Elton Simpson's Infinity.

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1 BY MS. BROOK:

2 Q Who gave this lecture?

3 A It's a lecture by Anwar al-Awlaki.

4 Q And when was it released?

5 A This was released in 2008.

6 Q What was this particular lecture a response to?

7 A This lecture was a response to a number of attempts by the
8 U.S. Government and by others to promote a view of moderate
9 Islam and to promote a view of Islam that did not necessarily
10 feature violent jihad.

11 Anwar al-Awlaki issued this audio recording in which
12 he described that there was a battle taking place for the
13 hearts and minds of young Muslims and that America and its
14 allies were attempting to delude Muslims into thinking that
15 violent jihad was not an essential part of their faith.

16 Anwar al-Awlaki went on in his audio recording to
17 heap praise upon the youth in the West, young people living in
18 the United States, who had stood fast against the drive
19 towards moderate Islam and who had held fast to particular
20 controversial tenants of Islam that were being sidelined by
21 moderates, particularly violent jihad.

22 Q What was the effect of this lecture?

23 A The effect of this lecture was to undermine efforts by
24 NGOs, the U.S. Government, by moderate Muslims, and by others
25 to try to convince young Muslims that there is no place,

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1 essential place for violence in religion.

2 MS. BROOK: Your Honor, the Government has admitted
3 in full Exhibit No. 390 which is the CD. However, we have
4 excerpted a small portion for the jury to listen to so they
5 don't have to hear the whole lecture and that's at 493.

6 So at this point we would just move to play that.

7 THE COURT: Go right ahead.

8 MS. BROOK: We're having some technical difficulties.
9 So as we work to fix it, and I misspoke, I think the excerpt
10 as well as 390, so it appears on the screen.

11 I'm going to move on. And then if we get that part
12 figured out, we will come back to it.

13 BY MS. BROOK:

14 Q Are you familiar with another lecture by the title of The
15 Dust Will Never Settle Down which was found on --

16 A Yes.

17 Q Yes?

18 A Sorry. I didn't mean to interrupt.

19 Q No. That's okay.

20 -- found on Nadir Soofi's desktop computer and
21 already admitted into evidence as 271.

22 A Yes. I'm familiar with that audio recording.

23 Q Who released that particular audio recording?

24 A Sure. The Dust Will Never Settle Down was issued by Anwar
25 al-Awlaki in 2008 when he had already left the United States

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1 and was living in Yemen.

2 Q And I want to speak specifically about the content of this
3 particular al-Awlaki lecture.

4 What was this particular lecture a response to?

5 A This lecture specifically was a response to a variety of
6 different incidents that Muslims, including Anwar al-Awlaki,
7 regarded as blaspheming or blasphemy against the Prophet
8 Muhammad; attacks, criticism, et cetera, for nonMuslims
9 against the Prophet Muhammad.

10 According to Anwar al-Awlaki, there is clear
11 precedent in the jurisprudence of Islam that those who insult
12 the Prophet Muhammad should be executed.

13 And there is no need for any specific additional
14 ruling beyond that. Anyone who sees this, according to
15 al-Awlaki, should understand that these people are immediately
16 in line to be executed.

17 And so Anwar al-Awlaki said to those insulting the
18 Prophet: You keep creating these big clouds of dust by doing
19 this, and the dust will never settle down and that we'll come
20 after you.

21 And sure enough, this audio recording had a
22 tremendous impact, had a tremendous impact, particularly among
23 Muslims living in Western countries. One individual by the
24 name of Zachary Chesser took this audio recording and issued a
25 threat to the creators of South Park.

1 The creators of South Park had issued an episode in
2 which they showed someone wearing a bear suit that they
3 referred to as the Prophet Muhammad.

4 So Zachary Chesser, a convert to Islam, issued a
5 death treat to the creators of South Park. And in the end his
6 final line was: Just remember the dust will never settle
7 down.

8 Q Just for clarification, the blasphemy that you were
9 talking about that al-Awlaki spoke of in terms of statements
10 or things related to the Prophet Muhammad, did it include
11 offensive political cartoons or other drawings of the Prophet
12 Muhammad?

13 A The primary significance was the cartoons that had been
14 drawn in Denmark, in Sweden, and in France, lampooning the
15 Prophet Muhammad.

16 Q And in this particular lecture did he mock how certain
17 individuals have responded to that type of conduct?

18 A Yes. He specifically said: Those that give protests or
19 those that peacefully protest or those that complain without
20 taking violent action, those people are following the
21 philosophy of Gandhi and in the words of Anwar al-Awlaki, "We
22 are not followers of Gandhi."

23 Q Did al-Awlaki encourage his supporters to take matters
24 into their own hands as a form of response or action to this
25 type of conduct?

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1 A Yes. He specifically urged them to execute anyone
2 insulting the Prophet, and specifically said you don't need
3 any other opinion other than this.

4 Q This particular lecture, was it in English?

5 A Yes.

6 MS. BROOK: May I have a moment?

7 Your Honor, we have the entirety of 271 in evidence.
8 I'm going to move to play an excerpted component of 271.

9 THE COURT: This is an excerpt from The Dust Will
10 Never Settle Down?

11 MS. BROOK: Correct.

12 THE COURT: You may.

13 (Excerpt of Exhibit No. 271 played for the jury.)

14 BY MS. BROOK:

15 Q Mr. Kohlmann, the last recording was speaking about
16 walking into a hornets' nest and the dust will never settle
17 down.

18 Can you put that in context for us? What did that
19 mean?

20 A The context is that anyone who thinks that they can insult
21 Islam or the Prophet Muhammad and get away with it scot-free
22 is only deluding themselves.

23 And anyone who does that is going to make themselves
24 an immediate target for all true believers in the faith, at
25 least as far as Anwar al-Awlaki is concerned. When he says "a

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1 hornets' nest," he's referring to the idea that there are lots
2 of people out there who may not necessarily be named
3 al-Awlaki, who are still willing to follow these proscriptions
4 because they believe in this so strongly.

5 MS. BROOK: Let me check to see if we can play 390
6 yet. We will come back to it if we can get it up and working.

7 BY MS. BROOK:

8 Q I'm going to move along to already-admitted Exhibit No.
9 177. Are you familiar with another lecture by the name of To
10 Make It Known and Clear to Mankind and Not To Hide It?

11 A Yes.

12 Q Placing on the overhead what has already been admitted,
13 that lecture which was found on the 2 gigabyte drive inside
14 the Lenovo laptop in 2012. Well, let's start at the top.

15 The Global Islamic Media Front, who are they?

16 A The Global Islamic Media Front is an online jihadi media
17 logistics outfit. They both produce their own media as well
18 as they also courier media on behalf of a variety of different
19 organizations onto the Internet.

20 What do I mean by "courier"? They are solely
21 responsible for posting every single official communique and
22 video from particular terrorist groups that they are
23 affiliated with, most notably, al-Shabab in Somalia.

24 So if you look at every single communique or video
25 being released, they are the ones that are physically

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1 uploading it, posting it, formatting it, and they have their
2 little logo on it.

3 Q So to place us historically in context, back in 2012 did
4 the Islamic State, as it's currently defined, exist as the
5 Islamic State?

6 A In 2012? No.

7 Q Okay. And so we have talked about predecessor
8 organizations. Were any of those predecessor organizations
9 associated with the Global Islamic Media Front?

10 A I'm sorry. I didn't catch the question.

11 Q Sorry. Were any of the Islamic State's predecessor
12 organizations associated with the Global Islamic Media Front?

13 A Actually, yes. At least one faction that eventually
14 became part of the Islamic State actually was releasing
15 material directly through Global Islamic Media Front and the
16 GIMF even offered fans of that group a contest in which, if
17 they won the contest, they could remotely fire rockets at a
18 U.S. military position in Iraq.

19 Q So this essay, who wrote it?

20 A It actually was a video. It was originally a video. This
21 is a transcription, I believe, but it was originally a video.
22 It's a video of Shaykh Anwar al-Awlaki and it was a video
23 released in November of 2010.

24 Q And this video, was it a response to anything?

25 A Yes. It was a response to -- again, it was a response to

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1 clerics saying that, you know, talking about moderate Islam
2 and talking about the idea that you can't kill -- you can't
3 kill people willy-nilly. You have to have a real
4 justification for it and, you know, violent jihad has limits.

5 Q So more -- the more conservative base was preaching the
6 idea of killing only if there's a justified basis?

7 A Or avoiding killing at all. But, yes, there are plenty of
8 clerics that don't believe what Anwar al-Awlaki believed and
9 Anwar al-Awlaki's response in this video was: Do not consult
10 anyone in terms of killing the Americans. Fighting Satan does
11 not require any specific theological ruling.

12 Q And I have placed on the overhead the last page of the
13 already-admitted exhibit. And you were referring to a
14 specific subsection of that video which has been transcribed
15 here as the exhibit for the jury.

16 Specifically, as it relates to killing Americans,
17 what did Anwar al-Awlaki state in this particular video?

18 A Yes, sure, verbatim:

19 Do not consult with anyone in killing Americans.
20 Fighting Satan does not need any religious verdict,
21 consultation, or prayer for guidance in decision making. They
22 are the party of Satan. Fighting them is the obligation of
23 the time. We have reached the stage where it's, quote, either
24 us or them. We are two opposites which can never co-exist.
25 They seek something which can never come to be unless we are

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1 annihilated. It's a decisive battle. It's the battle of
2 Moses and Pharaoh. It's the battle of truth and falsehood.

3 Q Lastly, on the subject of Anwar al-Awlaki, I want to turn
4 to already-admitted Exhibit 182, The Slicing Of The Sword,
5 that was found on the 2 gigabyte flash drive.

6 Are you familiar with this, The Slicing Of The Sword?

7 A The Slicing Sword, yes.

8 Q And -- I'm sorry. The Slicing Sword. I put an extra
9 "the" in it. The Slicing Sword.

10 Who wrote it?

11 A You mean what is this?

12 Q Yes.

13 A Sorry. The Slicing Sword is an English translation of a
14 historical document from Islam or a historical retelling from
15 Islam about individuals in the southern Arabian Peninsula
16 fighting against the early colonial vestiges of the West.

17 And the idea here in this book is -- or the concepts
18 of this pamphlet, this book, is the concept known as al-wala
19 al-bara. "Al-wala al-bara" means "loyalty in Muslims above
20 all else."

21 In other words, if you have a choice between allying
22 yourselves with the West or you have a choice between allying
23 yourselves with a Muslim, you are obliged to ally yourselves
24 to the Muslim first, loyalty to Muslims, friendship to
25 Muslims, everyone else comes second.

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1 Q When was this released --

2 A Just as a note -- I'm sorry. I have been handed a copy of
3 the list of individuals that we were talking about previously.

4 Q Excellent. So that's exhibit sheet 351?

5 A Correct. Yes. Sorry.

6 Q No. That's okay. Just for your reference if we talk
7 about it again.

8 We left off with this particular item and when was it
9 released.

10 A Well, originally -- the original text was written in
11 Arabic, I believe, several hundred years ago. But this
12 English translation with a Forward from Anwar al-Awlaki, I
13 believe, was released in 2008.

14 Q I want to turn specifically to that Forward written by
15 Anwar al-Awlaki. Is that Forward significant in your findings
16 in this case?

17 A Yes.

18 Q I'm going to place on the overhead the Forward and I'm
19 going to ask you to read it to us.

20 A Sure. Let me know when you're ready.

21 Q We're ready.

22 A Okay. This is Shaykh Anwar al-Awlaki's Forward. Quote:

23 This book, "The Slicing Sword" represents the answers
24 given by Shaykh Abd Allah Abd al Bari al Ahdal to questions on
25 the topic of Hijra, i.e., migration for the sake of Allah, and

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1 al-wala and al-bara -- in parenthesis -- loyalty to Allah and
2 disavowal of the enemies of Allah. The importance of this
3 book lies in the fact that the situation that the Shaykh was
4 faced with is similar to our circumstances today which gives
5 relevance to his answers. Aden was occupied by the British in
6 1837 and the author died around 1854. So his time was one in
7 which the power of the Ottoman Khilafah was warned while the
8 Western powers were on the rise. Therefore, this was a time
9 when there were some Muslims who were replacing their pride in
10 being Muslim and being subjects of Muslim rule with being
11 subjects of Western occupiers and sailing under Western flags.

12 Should I continue?

13 Q Well, as it relates to the Islamic State, is this
14 particular Forward and the message contained in it
15 significant?

16 A It's significant, honestly, to anyone who is a violent
17 jihadist, yes. This book appears very frequently in the juris
18 prudence of English-speaking jihadists. Even though it's an
19 historical document and even though it's referring to events
20 that took place in the 19th Century, the central lesson here
21 is not about the history.

22 The central lesson is rejection of Western values,
23 fighting against the West, joining with other Muslims to fight
24 against the West. Those are the central values that are being
25 promoted here in this book and by Anwar al-Awlaki. And

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1 that's, again, the reason for that title "The Slicing Sword."

2 Q And you have now before you 351 which I'm going to put
3 back on the overhead already admitted.

4 I had asked you earlier if you saw Azzam's name on
5 that list. And now that you have it before you, do you?

6 A Yes, I do.

7 Q And Anwar al-Awlaki who we have been talking about, do you
8 see him?

9 A Yeah. he's on there as well, directly above Shaykh
10 Abdullah Azzam.

11 Q I want to turn our attention back to Exhibit No. 491 which
12 has already been admitted and I want to pull it up to now talk
13 about the top part of it.

14 As you look at that exhibit, was it relevant in the
15 analysis you did in this case?

16 A Yes.

17 Q Why so?

18 A These text strings appear to show someone visiting,
19 browsing, and downloading lectures given by Shaykh Anwar
20 al-Awlaki and by Shaykh Abdullah al-Faisal al-Jamaiki.

21 Q Let's speak specifically for a moment about Shaykh
22 Abdullah al-Faisal.

23 Placing on the overhead what has already been
24 admitted Government's Exhibit No. 98, 99, 100, and 101, CDs
25 found at Simpson and Soofi's residence, did Faisal have

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1 anything to do with the Devil's Deception?

2 A That actually is one of his audio recordings, yes. The
3 Devil's Deception of the Saudi Salafis and the Devil's
4 Deception of the Shias.

5 Q So let's rewind back to the beginning.

6 Who is Shaykh Faisal?

7 A Shaykh Abdullah al-Faisal is a Jamaican national who
8 trained in Islam in Saudia Arabia. Upon leaving Saudi Arabia,
9 Shaykh Faisal, instead of going to Jamaica, went to the United
10 Kingdom where he began preaching to groups of followers in the
11 UK, predominantly Muslim converts and other English-speaking
12 Muslims, because, again, Shaykh Faisal speaks English.

13 In 2005, Shaykh Faisal got in a lot of trouble in the
14 United Kingdom and was convicted in a court of inciting his
15 followers to kill Hindus and Jews.

16 And at that point Shaykh Abdullah al-Faisal was
17 expelled from the United Kingdom and he apparently returned to
18 Jamaica.

19 Shortly thereafter, Shaykh Faisal was once again
20 arrested, this time in Kenya, allegedly for attempting to join
21 the al-Shabaab Terrorist Organization in Somalia. He was once
22 again expelled and apparently returned to Jamaica.

23 He continues to reach out and speak to his followers
24 via primarily the Internet, via technologies that include the
25 Worldwide Web as well as proprietary software packages like

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1 Pal Talk.

2 Shaykh Faisal is generally regarded as one of the
3 most extreme salafi jihadi clerics of the last 30 years.

4 Q So along those lines, is he important to homegrown violent
5 extremists?

6 A He is exceptionally important because he's one of only a
7 handful of such clerics that speak English natively and
8 fluently. All of his audio sermons are in English.

9 He specifically lectured and taught people
10 face-to-face in the United Kingdom. And he's been a very
11 prominent figure amongst homegrown violent extremists in both
12 the UK and the United States, going all the way back to 1997.

13 Q How does he feel about the Islamic State?

14 A He's a big fan of it. He's a big supporter of it. He
15 thinks they're great.

16 Q Is he an effective recruiter for violent extremists?

17 A He's effective in the sense that he has a very good basis
18 in the fundamentals of Islam. He learned Islam in Saudi
19 Arabia from true scholars. He speaks English perfectly
20 fluently. And he is a very charismatic individual. And he is
21 very extreme. He is very, very on the far end of extremism.

22 He is so extreme that some other salafi jihadi
23 clerics don't even like him. Some of them think he's a
24 fanatic.

25 Q Can you explain that?

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1 A Yeah. In his audio recordings he says things that even
2 other salafi jihadi clerics blanch at. He issued one audio
3 recording in which he ordered his followers to, quote, "make
4 the earth warm with blood," which is not something that most
5 clerics, even jihadi clerics, are big fans of.

6 Q Does he hold great appeal for people who are well schooled
7 in Islam?

8 A No. I would say most people who have a good background
9 and good credentials in Islam would never follow someone like
10 Shaykh Abdullah al-Faisal because, explicitly, he is known as
11 a fanatic.

12 Q So who is his main following?

13 A His main following are English-speaking Muslims living in
14 Western countries, most of whom are converts and most of whom
15 have had no real contact with any kind of formal Islamic
16 education or formal Islamic study outside what they have been
17 exposed to by Shaykh Faisal and his cronies.

18 Q What is the Declaration of War?

19 A The Declaration of War was an audio sermon issued by
20 Shaykh Abdullah al-Faisal in which Shaykh Faisal takes the
21 original Declaration of War against the United States by Osama
22 bin Laden, the founder of al-Qa'ida, and goes through that
23 Declaration of War line by line endorsing the declaration line
24 by line and justifying the Declaration of War line by line.

25 Q And whose Declaration of War was it?

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1 A It was the Declaration of War by Osama bin Laden against
2 the United States and its allies.

3 Q And did you find string sites to that in this case?

4 MR. MAYNARD: Objection to the form.

5 THE WITNESS: Yes.

6 MR. MAYNARD: Again, he hasn't testified that he has
7 searched any of these exhibits. He was given documents by the
8 FBI.

9 THE COURT: It's the form of the question, Ms. Brook.

10 BY MS. BROOK:

11 Q Based upon what you have seen, have you seen any reports
12 about Declaration of War in this case?

13 A Yes. I saw reports, including text strings, which
14 included both -- included multiple parts of the Declaration of
15 War audio lecture in MP3 audio format.

16 Q I want to turn our attention next to Shaykh Nasir Bin
17 Hasmad al-Fahad. And I'm going to place on the overhead
18 Exhibit No. 176 which is already admitted. This exhibit
19 admitted off of the 2 gigabyte flash drive.

20 Have you seen this before?

21 A Yes.

22 Q And can you describe it for us. What's it about?

23 A Sure. Shaykh Nasir Bin Hamad al-Fahad is a Saudi cleric.
24 This particular fatwah -- this is a fatwah -- religious edict
25 that he issued -- this religious edict justifies the use of

1 weapons of mass destrucion against the United States.

2 In this particular fatwah Shaykh al-Fahd specifically
3 states that if al-Qa'ida or another group detonated a bomb
4 inside the United States that killed 10 million people, that
5 would still be more than justified and no further rulings
6 would be necessary.

7 Q Justified because of what?

8 A Justified because according, in the view of Shaykh Nasir
9 al-Fahad, the West has done far more damage to the Muslim
10 world and this would be not even close to partial retribution.

11 Q Did this essay endorse any other concepts that were
12 significant to you?

13 A Well, again, it endorsed the use of not just a bomb, but
14 particularly weapons of mass destrucion; chemical,
15 biological, and radiological weapons.

16 And, in fact, this fatwah was one of a line, a series
17 of fatwahs, similar fatwahs issued by Shaykh al-Fahad. He
18 also justified the 9/11 attacks against the United States.
19 And he was eventually caught by the Saudi Arabian government
20 conspiring with al-Qa'ida in Saudi Arabia to assassinate then
21 President George W. Bush.

22 Q And he justified that as well?

23 A He said to an American al-Qa'ida operative recruited for
24 the mission that he wanted that above all else, to kill Bush.

25 Q When was this particular treatise released?

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1 A This treatise was released within a few months after 9/11,
2 I believe, in late 2001 or early 2002.

3 Q And is this treatise something that's significant to
4 followers of the Islamic State?

5 A Once again, I think this treatise is significant to
6 followers, all violent jihadist followers. I mean, Shaykh
7 Nasir al-Fahad was a very senior cleric, a very well-respected
8 cleric in Saudi Arabia, was someone who both the government
9 and al-Qa'ida respected. This is a guy with tremendous
10 religious credentials who is known as a paragon of jihadi
11 thought and ideas.

12 Anyone who is a violent jihadist would likely find
13 these ideas and this fatwah to have a tremendous amount of
14 importance.

15 Q I want to move forward and talk about the Labayk Media
16 Foundation. And before I do, I want to grab a couple of
17 exhibits.

18 I'm placing on the overhead -- we're first going to
19 talk about 167 and then progressively we're going to talk in
20 short order about 168, 169, and 170.

21 So placing on the overhead already-admitted Exhibit
22 No. 167 which was the browser history from the Lenovo laptop
23 back in 2012 discussed this morning, I'm going to -- if you
24 can go ahead and look at 167 -- I'm sorry -- yeah -- 167
25 through 170.

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1 And I'm going to put them up one at a time. So
2 that's 167, already admitted; 168, already admitted, 169, and
3 170. What do these four search histories reveal a search for?

4 A These appear to show that on May 3rd, 2012, at
5 approximately 7:09 a.m. possibly, an individual using YouTube
6 ran a search for the terms Mujahideen+Bagram+escape.

7 And after running a search for those terms, then
8 selected one of those results to watch and viewed that video.
9 And that video was titled Escape From Bagram Prison, Part One,
10 as well as Part Two.

11 Q So what is the Escape From Bagram? Are you familiar with
12 it?

13 A Yes.

14 Q And is it -- well, describe it for us. What is it?

15 A Sure. This video was originally released by an al-Qa'ida
16 propaganda outfit known as Labayk Media. It was released in
17 2005.

18 It was an extremely important video because of the
19 fact that it showed and told the story of how a number of
20 extremely high-ranking al-Qa'ida leaders, some of al-Qa'ida's
21 most important leaders in Afghanistan, had managed to escape
22 from the highly secured U.S. military prison at Bagram Air
23 Base in Kabul, Afghanistan. Some of these individuals ended
24 up becoming at the very, very, very top tier of al-Qa'ida and
25 most of them ended up being killed in drone strikes.

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1 The video itself, again, was extremely important
2 because of the fact that people could hardly believe that such
3 high-ranking al-Qa'ida members could simply walk out of Bagram
4 Air Base and rejoin their cadres in the field. It was a
5 tremendous victory for al-Qa'ida and it was something that
6 jihadists were immensely proud about.

7 Q Did the video, as released, contain multiple parts?

8 A Initially, no. Initially, it was a one-part video. But
9 as with many videos, when you put it on YouTube, YouTube has
10 certain uploading limits so they cut it into pieces.

11 This was divided into five pieces for uploading to
12 YouTube.

13 Q And the video, was it for a time at a time available on
14 YouTube?

15 A Yeah. Yeah. It was uploaded to a couple of different
16 file sharing services, and certainly, YouTube is and was one
17 of them.

18 Q What significance does the video Escape From Bagram have
19 to followers of the Islamic State?

20 A Well, I think it's-- again, this is something that I think
21 has a broader appeal to violent jihadists, generally. You
22 know, these folks are looking for any victories that they can
23 find where, you know, an underdog, a jihadi underdog managed
24 to beat the United States.

25 And those kind of videos, they have a tremendous

1 morale-boosting effect for those folks. And as a result, this
2 video had a tremendous morale boosting effect. The idea that
3 despite the U.S. military campaign in Afghanistan, despite
4 having the latest in technology and weapons, again, the cream
5 of the crop just walks straight out of their cells and no one
6 was able to stop them.

7 It was like a miracle. It was like a prophesy. And
8 it was exactly the kind of miracle or prophesy that generates
9 new recruits and new supporters and engenders confidence in
10 these organizations.

11 Q I want to turn next to Sheik Abdullah Muhammad Arrashud.

12 Placing on the overhead what has already been
13 admitted is Exhibit No. 166, which was a search history from
14 the Lenovo laptop in 2012, as searched, as with all of these
15 in 2015 off the laptop Sergio provided, you had spoke about
16 Sheik Arrashud.

17 And before we turn specifically to Incite The
18 Believers, who is he?

19 A Sheik Abdullah Arrashud was one of the senior leaders of
20 al-Qa'ida in Saudi Arabia. And approximately in 2004, he went
21 underground in order to avoid arrest by Saudi authorities.

22 Approximately a year later in 2005, Sheik Arrashud
23 joined al-Qa'ida in Iraq, traveled to Iraq, and was killed in
24 a shootout with U.S. military forces in the city of Alkim in
25 far western Iraq next to the Syrian border.

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1 Q The video Incite The Believers, what is it specifically
2 about?

3 A The message -- the message the video Incite The Believers
4 is specifically about the concept of violent jihad.

5 During the video Sheik Arrashud explains that foolish
6 people try to convince others that jihad, as he puts it, has a
7 wide meaning. But according to Shaykh Arrashud, that's not
8 true. The only meaning of "jihad," according to Sheik
9 Arrashud, is, in his words, in the context of 9/11,
10 pulverizing buildings, destroying infrastructure, wiping out
11 the adversaries and he says that's the only form of valid
12 jihad.

13 Q Does this particular video have importance for followers
14 of the Islamic State?

15 A Yeah. It has importance for followers of the Islamic
16 State. This individual was one of the earliest members or
17 leaders of al-Qa'ida in Iraq. He was killed on the
18 battlefield on the border between Syria and Iraq fighting U.S.
19 forces.

20 The video itself, obviously, is a tremendously
21 impactful video. And then on top of it, this particular video
22 is very rare amongst the videos that were originally issued in
23 this time period in the sense that this video was subtitled in
24 English by a Westerner.

25 So people in the West then took this video subtitled

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1 in English and it was one of the very few videos from this
2 individual and from al-Qa'ida in Saudi Arabia more broadly
3 where it was English subtitles. So it was available for an
4 English-speaking audience. It's very rare for materials
5 produced by al-Qa'ida in Saudi Arabia.

6 Q If I can turn your attention to Exhibit 235 and will you
7 pull that up? I'm going to place on the overhead
8 already-admitted Exhibit No. 235 from Nadir Soofi's Dell
9 Inspiron laptop. As you look at that, what do you see?

10 A This -- these are screenshots taken from the English
11 translation or the English subtitled version of Incite The
12 Believers.

13 You can see the individual in white in the middle.
14 That's Sheik Abdullah Arrashud. And if you look carefully,
15 you can see that on the desk in front of him there's a rocket
16 launcher and behind him against the wall there is a rifle with
17 a bayonet affixed to it. Against the wall against the back,
18 there is a superimposed map of the Arabian Peninsula and the
19 greater Middle East.

20 Q Does this video have significance to violent Western
21 jihadists?

22 A Yes. Again, it's one of very -- at the time that this was
23 released with English subtitles, it was one of the only small
24 number of such videos with English subtitles from al-Qa'ida in
25 Saudi Arabia, really from al-Qa'ida generally. Al-Qa'ida

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1 didn't really start releasing subtitled stuff until much
2 later. So this was rare at the time.

3 And, again, the fact that this was an individual who
4 was actually killed in the battlefield who talked specifically
5 about how "jihad" only means violence, this video has appeared
6 on numerous hard drives that I had analyzed in the context of
7 my work with law enforcement and others.

8 Q Turning our attention next to Exhibit No. 179, also found
9 on the 2 gigabyte flash drive, I'm going to place on the
10 overhead page 1 -- it's already admitted.

11 Do you recognize this publication?

12 A Yes.

13 Q And what is it?

14 A This publication is known as Inspire Magazine. It is an
15 English language magazine and instructional manual produced by
16 al-Qa'ida in the Arabian Peninsula, otherwise known as
17 al-Qa'ida in Yemen, otherwise known as AQAP.

18 Q What was the first official English language magazine that
19 was produced by a contemporary jihadist organization?

20 A It was this magazine. It was Inspire Magazine. It was
21 this Inspire Magazine when it was first released by al-Qa'ida
22 in the Arabian Peninsula.

23 It was a landmark event. There had been nothing like
24 it previously and it had a major, major impact, particularly
25 on English-speaking jihadists living in Western countries.

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1 Q I want to take us back in time to 2012.

2 So back in 2012, did the Islamic State as it is
3 defined now, did it exist?

4 A There was an Islamic State, but at the time it wasn't
5 openly fighting with al-Qa'ida. It did not have a significant
6 presence in Syria. And it only controlled part of what it
7 controls now or a small part of Iraq.

8 Q So did the Islamic State's predecessor organization, that
9 obviously as we have discussed did exist back in 2012, did
10 they have any of their own publications that were of the
11 magnitude or quality of this particular publication?

12 A No. Until about 2014 the Islamic State didn't have enough
13 people who spoke English or enough desire to recruit English
14 speakers to put out this kind of material.

15 Also, it's important to understand that it would have
16 been hard to forecast the significance and the popularity of
17 this magazine. Once it was produced, once Inspire Magazine
18 came out, within about two or three years there were a couple
19 different clones of this magazine issued by other groups
20 because they recognized afterwards that it had been a
21 tremendous success.

22 Q So --

23 A But it did not -- there were no clones until years
24 afterwards.

25 Q We'll talk about ISIS's publication that initially was

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1 released in 2012 in a little bit.

2 Focusing on this particular publication, you made
3 note of the fact that at the time in 2012 ISIS and al-Qa'ida
4 were not violently in conflict.

5 A No. There was conflicts but they weren't public. The
6 conflicts were behind the scenes and they wouldn't have been
7 necessarily familiar to anyone except someone with a very
8 detailed understanding of these groups.

9 Anyone who is simply a follower or supporter would
10 not have had any concept of the lingering animus and dispute
11 and anger between al-Qa'ida and the Islamic State not at this
12 time.

13 Q So pulling this exhibit down just so we can see the
14 header, you've talked about the name being Inspire. What
15 edition was this publication?

16 A This was issue No. 8. It does say Fall of 2011. However,
17 it was actually not released until, I believe, 2012.

18 Q When it was released, how popular was the Inspire
19 Magazine, including the 8th Edition, among homegrown violent
20 jihadists?

21 A Inspire Magazine has been an exceptionally important and
22 influential magazine. Individuals here inside the United
23 States have used Inspire Magazine in order to build explosive
24 devices and carry out terrorist attacks without any other
25 known assistance provided to them by a terrorist group or by

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1 anyone else.

2 It is a completely self-contained training manual,
3 both ideological and practical, everything from learning the
4 ideas of violent jihad and Anwar al-Awlaki to how to build
5 remote detonators, how to build explosive devices.

6 Q I want us to talk about a couple components of this
7 particular magazine. In your review of this case, was the
8 feature article significant?

9 A Yes, it was.

10 Q Turning our attention to page 47 of Inspire Magazine's 8th
11 Edition, placing on the overhead page 46 and 47, can you
12 explain to us how this feature article was significant?

13 A Sure. This particular article -- again, it's Shaykh Anwar
14 al-Awlaki giving specific advice on what part it's to hit in
15 what he calls the Dar al-Harb population.

16 "Dar al-Harb" is a term in Arabic that means the
17 "house of war." And by the "house of war," he means nonMuslim
18 populations, i.e., people in the West.

19 So basically, this is a manual or a guidebook for who
20 to target, for what to target in Western countries that are
21 nonMuslim and that are opposed to al-Qa'ida.

22 Q Can you read for us any --

23 THE COURT: Excuse me, Ms. Brook. Before we go on
24 we're going to take our afternoon break.

25 Ladies and gentlemen, we will reconvene at three

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1 o'clock. You are reminded of the admonition not to discuss
2 the case or form any conclusions about it until you have heard
3 all the evidence and begun your deliberations.

4 Court is in recess until three o'clock.

5 (Recess taken at 2:45 p.m.; resumed at 3:01 p.m.)

6 THE COURT: Thank you, ladies and gentlemen. Please
7 sit down. The record will show the present of the jury,
8 counsel, and the defendant.

9 And, Ms. Brook, you may continue with your
10 examination of Mr. Kohlmann.

11 MS. BROOK: Thank you.

12 BY MS. BROOK:

13 Q We left off talking about the feature article and I
14 believe you had stated -- who was it written by?

15 A It was written by Anwar al-Awlaki.

16 Q In this feature article -- is it on 46, page 46 and 47?

17 A Yeah.

18 Q Who specifically did Anwar al-Awlaki in this article
19 endorse the killing of?

20 A He endorsed the killing of everyone, civilian and military
21 alike. I mean, he actually discusses particularly what he
22 terms "modes of operation" that would be allowed to target
23 these individuals, including the use of explosives in
24 populated areas, the use of firearms in operations like the
25 2008 terrorist attacks in Mumbai, India, in which he

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1 specifically --

2 Q Let me stop you for a second so we can zoom in on it.

3 You were speaking about how this particular feature
4 article talked about the use of firearms in a particular
5 setting. Can you describe it?

6 A Yes. Yeah. I mean, he says the use of firearms --

7 He's talking about modes of operation that would be
8 allowed according to religious rules. And he says what would
9 be allowed would be the use of firearms in operations such as
10 that of Mumbai which is targeted at the general population.
11 This is allowed and is similar to the bayat method of war
12 discussed above. The shooter can fire randomly at crowds but
13 should avoid the execution of women and children when the
14 target is clear.

15 Q And what is "bayat"?

16 A "Bayat" is, in this case, the allegiance method or the
17 acceptable method.

18 Q Did it go on to discuss the use of poisons or chemical and
19 biological weapons?

20 A Yes. He also endorses the use of poisons or chemical and
21 biological weapons against what he terms population centers.
22 In fact he says that these kind of attacks are strongly
23 recommended due to its great effects on the enemy and then
24 cites a bunch of evidence from various different classical
25 scholars about why this is so important.

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1 And his conclusion is these statements of the
2 scholars show that it is allowed to use poison or other
3 methods of mass killing against the disbelievers who are at
4 war with us.

5 Q And I want to speak specifically about the last column of
6 the article. Did it refer to -- to whom these types of
7 weapons or methods would be permitted to be used against?

8 A Yes. According to this article, explicitly, these methods
9 should be used against, quote:

10 The populations of the nations that are at war with
11 the Muslims and especially those who are at the lead such as
12 the United States, Britain, and France.

13 Q In this issue of Inspire was there a section which also,
14 additionally, directed attacking Americans?

15 A I believe, yes.

16 Q And I'm going to turn to page 19. Was that in the article
17 by al-Suri?

18 A Yes, of course, yes.

19 Q Can you read for us what No. 7 of this particular article
20 states?

21 A Yes. These various different bullet points are
22 quote/unquote the list of arenas arranged according to their
23 importance; and No. 7 the arena is listed, quote:

24 "In the heart of America herself, by targeting her
25 with effective strategic operations, as will be explained in

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1 the following paragraphs, Allah willing: She, America, is the
2 snake's head, as Shaykh Usama rightfully named her. And she
3 is the origin and scourge and the head of the alliance. When
4 defeated, this alliance will break up, and we will move to a
5 new historical era, Allah willing."

6 Q Does Inspire Magazine include a section in each edition
7 entitled "Open Source Jihad"?

8 A Yes, otherwise known as the OSJ Section, yes.

9 Q What is that?

10 A "Open Source Jihad" is meant to be a training manual or a
11 serialized training manual for English-speaking jihadists who
12 do not necessarily have access to elaborate chemicals or
13 elaborate weapons with the idea: How can you take basic
14 household chemicals, how can you take basic household
15 electronics and cooking wear, how can you take basic firearms
16 and how can you use these in order to carry out mass mayhem?

17 So Open Source Jihad covers everything from: How to
18 modify weapons in order to make them more lethal, how to build
19 explosives, as they put it, in the kitchen of your mom, how to
20 burn down forests, how to wipe out people that are gathered at
21 cafes.

22 Basically, it's a listing of various different
23 potential terrorist plots and methods of violence for
24 homegrown extremists with no prior expertise and no prior
25 training in these kind of activities.

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1 Q I want to ask you additionally about page 41 of this
2 edition of Inspire.

3 Was there another article by Anwar al-Awlaki on page
4 41?

5 A There is an article, yes.

6 Q And in that article does it too discuss attacking mixed
7 crowds of people?

8 A I believe it does. Let me just get to that section.

9 Yeah. I believe it does, yes. It talks about --
10 yeah, again, against general population, yes.

11 Q So starting the first column all the way on the bottom,
12 can you read that last paragraph for us?

13 A I'm sorry. The first column on what page?

14 Q On 41, bottom of the first column where it starts "but
15 they all agree that if women, the elderly, farmers, merchants,
16 or slaves participate..."

17 A Oh, sorry, yes, of course.

18 "but they all agree that if women, the elderly,
19 farmers, merchants or slaves participate in the war effort
20 against Muslims either by actual participation in fighting,
21 financial contribution or opinion, they become legitimate
22 targets."

23 "If combatants and non-combatants are mixed together
24 and integrated, it is allowed for the Muslims to attack them
25 even if women, children, the elderly, farmers, merchants, and

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1 slaves get killed but this should only be done" -- it says --
2 "done with the intention of fighting the combatants."

3 Q According to Anwar al-Awlaki, who are the "combatants"?

4 A The "combatants," technically, are anyone that lives in
5 the United States and pays taxes.

6 Q I want to move on to Exhibit 180, also already admitted,
7 the 9th issue of Inspire that was found on the 2 gigabyte
8 thumb drive.

9 So moving ahead to Exhibit 180, placing on the
10 overhead what has already been admitted, do you recognize the
11 front cover of this magazine?

12 A Inspire Issue 9, yes, I do.

13 Q And, again, it's Exhibit No. 180.

14 A Uh-huh.

15 Q Is this edition as well significant in your opinion as
16 something that followers of the Islamic State would be
17 interested in?

18 A Again, I mean, almost every single one of these issues
19 would be interesting to, I think, almost any violent jihadist.
20 But I think this particular issue would be interesting to
21 violent jihadists who are from Western countries, regardless
22 of what organizations they sponsor or support.

23 Q And the time period when this one was released, when was
24 it released?

25 A This was -- again, it says Winter 2012, but, in fact, it

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1 was released in May of 2012.

2 Q Did this particular magazine pay tribute to anybody?

3 A It did.

4 Q And who did it pay tribute to?

5 A This particular issue of Inspire paid tribute, number one,
6 to Shaykh Anwar al-Awlaki, and number two, to another American
7 national who was killed alongside Al-Awlaki in the same drone
8 strike, Samir Khan.

9 Q And Samir Khan, how was he received by violent jihadis in
10 his death?

11 A Samir Khan was received as a martyr and a hero. Samir
12 Khan was the individual alongside al-Awlaki who was
13 responsible for creating Inspire Magazine.

14 He was one of al-Qa'ida's most important
15 English-speaking propagandists. He was someone who had gained
16 notoriety long before he ever left the United States. He had
17 news broadcasts hunting him down to his house because of his
18 violent jihadi activity.

19 This was someone who -- he was very important for
20 these folks because he was a computer nerd. He was a nobody.
21 He had no training whatsoever. And yet just through the
22 contacts that he made online, he was able to, number one,
23 evade U.S. law enforcement; number two, he was able to get all
24 the way to Yemen; and then, number three, he became a
25 critically important player in AQAP's propaganda and media,

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1 even though, again, he was a computer nerd.

2 He was someone with no prior experience or expertise
3 in weapons or explosives or anything like that. But he was
4 very intent upon encouraging other Western jihadists to carry
5 out acts of violence inside the United States.

6 Q What articles or content in this particular episode --
7 episode -- this particular issue were of significance to you?

8 A Well, among other things, there are lengthy -- there is
9 lengthy tributes or articles to both Anwar al-Awlaki and Samir
10 Khan emphasizing the importance of Western jihadists,
11 emphasizing the importance of carrying out attacks in Western
12 countries, and recruiting English speakers and lionizing these
13 two individuals who are, again, taking the risk of waging war
14 against the United States, their own homeland, in the name of
15 violent jihad.

16 Q I'm placing on the overhead what is page 24 of this
17 particular issue, the Jihadi Experience.

18 A Aha, yes.

19 Q What does this article say about targeting Americans and
20 American targets?

21 A Sure. This is actually another -- this is another segment
22 from Abu Musab al-Suri on jihadi experiences. And during this
23 segment, he specifically lists out, quote, the most important
24 targets in America and in Western countries.

25 And according to the magazine, according to Abu

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1 Musab, the most important targets in America and Western
2 countries include main political figures who lead the campaign
3 against the Muslims such as the heads of state, ministers,
4 military, and security leaders; large strategic economic
5 targets such as the Stock Exchange, power and oil
6 installations, airports, harbors, railroad systems, bridges,
7 highway intersections, tunnels, metro systems, tourist
8 targets, and so on; military bases and barracks; and media
9 personalities and media centers that are leading the war
10 against the Muslims and justifying the attacks on them coming
11 from the Zionists and Zionist-friendly Crusader media
12 institutions.

13 Also included are computer centers and centralized
14 information centers, quote, places where Jews are gathered,
15 official offices of government institutions of those countries
16 that are waging war, both on the state level and on the level
17 of unions and political and military alliances, security
18 service buildings and CIA buildings.

19 And then finally, number nine is simply, quote,
20 striking civilians in general to deter them or for
21 retaliation, avoiding women and children when separated from
22 men in places especially designed for them, like schools and
23 the similar.

24 Q Moving along to Exhibit No. 181, do you have that before
25 you?

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1 A Yes, I do.

2 Q And what do you recognize it as?

3 A This is an article that was written by Shaykh Anwar
4 al-Awlaki. It was originally published in Inspire Magazine.
5 I believe Inspire Magazine issue No. 4 or 5.

6 Q Placing on the overhead what has already been admitted as
7 Exhibit No. 181.

8 The ruling on Dispossessing the Disbelievers Wealth
9 in Dar al-Harb found on the 2 gigabyte drive and turning our
10 attention just to the page entitled "Conclusion".

11 What is the significance of this particular article?

12 A The significance of this article is that Anwar al-Awlaki
13 is arguing that not only do jihadists have the right to
14 execute or murder those who violate the tenants of the faith,
15 but they also have the right to steal their wealth.

16 In other words, if you're going to fund jihad, if you
17 are in the process of trying to fund -- or of funding violent
18 jihad, you are more than allowed to engage in deceit, theft,
19 whatever else against the disbelievers. In other words, to
20 steal their wealth is a form of war booty so long as those
21 funds are not being used for personal means, they're being
22 used to wage jihad.

23 Q When was this particular article published?

24 A This was published in January of 2011.

25 Q And does it have significance for followers of the Islamic

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1 State?

2 A Once again, I mean, it has significance for followers, I
3 think, of violent jihadists, followers in general. This was
4 before the Islamic State of Iraq was even the Islamic State of
5 Iraq and the Levant. This was early on. And almost any
6 Western jihadists living in Western countries would have taken
7 strong meaning from this because this was a message directed
8 directly at them.

9 It doesn't say "followers of al-Qa'ida." It doesn't
10 say "followers of AQAP." It says "people who believe in
11 violent jihad." And that's what this message is aimed at and
12 that's who digested it.

13 Q I want to break down for a moment something you said. You
14 said that the article is about directing individuals to steal
15 or take war booty and to use those funds or those proceeds for
16 jihad.

17 Can you explain that concept a little bit more? What
18 in that context is "war booty"?

19 A Sure. It's in -- in Islam it's called "ghanimah." It's
20 war booty. The idea here is is that it's very difficult to
21 finance terrorist operations. And al-Qa'ida is always looking
22 for money. It's always short on cash.

23 So the idea here is is that if al-Qa'ida is always
24 short on cash and you have the ability because of -- you know,
25 where you live or who you work for -- to engage in theft and

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1 use those funds to support these organizations, that is
2 critically important. That is an important role. That is --

3 In the view of some of these people, it's as
4 important as fighting because they have far more people
5 willing to fight and not enough people willing to provide them
6 cash.

7 Q And the concept of needing to supply cash and provide
8 cash, is that also a real concept for the Islamic State and
9 something that they seek from individuals who support them?

10 A Yes. The Islamic State is a little bit better funded than
11 al-Qa'ida, at least more recently because of the fact that
12 they now have control of oil fields and banks.

13 But that's a recent advent. And to be honest with
14 you, the Islamic State has had to cut salaries in any event
15 because of military operations that have been targeting its
16 sources of funds.

17 So there is no doubt the Islamic State is seeking
18 donations, is seeking contributions, and up until very
19 recently, that was the primary life blood through which it
20 operated; donations from wealthy individuals, theft,
21 smuggling. That's how it made its money. Car theft, car
22 smuggling has been a long standing and major source of income
23 for previously al-Qa'ida in Iraq and later the Islamic State
24 of Iraq.

25 Q I want to place on the overhead next already-admitted

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1 Exhibit No. 183, "Responses To The Ruling on Leaving For
2 Battle and the Precondition of the Takfir."

3 Is that significant?

4 A Yes.

5 Q And can you explain the significance that this particular
6 article had as it relates to violent jihad.

7 A Sure. This is an English translation produced by a
8 now-defunct but former most important English language jihadi
9 forum on the Internet.

10 It was an English translation of an Arabic document
11 originally written by a very, very senior al-Qa'ida leader by
12 the name of Attiya Abdulrahman, sometimes also known as
13 Sheikh Attiya Allah al-Libi.

14 This particular treatise is important in the sense
15 that the original Arabic and obviously also in the English
16 translation, it appeals to those who support violent jihad and
17 it encourages them. And basically, it says: We need people
18 here on the front line. We need recruits. Don't complain
19 about there not being a front line. If you come here and
20 enough of you show up here, there will be a front line.

21 So the idea here is is that, you know, encouraging
22 people to leave for battle, to take part in the battle, to
23 ignore anyone who tells them that it's not the right time to
24 take part in jihad, or the conditions are not right for jihad.

25 Sheikh Attiya Allah is saying the only reason the

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1 conditions are not right is because you are not listening to
2 the orders. You aren't listening to the call. If you listen
3 to the call for jihad, everything would be hunky dory.

4 And he specifically talks about the need for
5 financing, the need for cash, the shortage of money, and how
6 important it is for individuals to raise money to support
7 these activities.

8 Q Taking off the overhead Exhibit 183 -- and I didn't
9 mention when I put it on -- but which was already testified to
10 about being found on the 2 gigabyte thumb drive -- placing on
11 the overhead Exhibit 351, already admitted, and Mr. Kohlmann,
12 I believe before you you have the paper version of 351 which
13 was the list of scholars.

14 If we can turn our attention to No. 6.

15 A Yes.

16 Q Who is that?

17 A Yes. No. 6 on this list is listed as Abu Musab
18 al-Zarqawi, which means Abu Musab from Zarqaw. The real name
19 of this individual was Ahmad al-Khalayleh. He was a Jordanian
20 national who had been loosely affiliated with al-Qa'ida during
21 the mid 1990s.

22 However, because of the personal dispute between
23 himself and his associates with al-Qa'ida's leadership, they
24 formed their own separate unit in Afghanistan. When the
25 United States invaded Iraq in 2003, Abu Musab al-Zarqawi who

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1 was from neighboring Jordan, which is directly adjacent to
2 Iraq, immediately traveled to Iraq to establish an armed
3 jihadi faction to fight against the United States, its allies,
4 and against the shiite-dominated government in Baghdad. The
5 initial faction that Zarqawi created was named the Tawhig and
6 Jihad Movement.

7 However, in October of 2004, Zarqawi pledged
8 allegiance and swore allegiance to Osama bin laden and the
9 organization was renamed al-Qa'ida in Iraq. This is the same
10 organization that later became the Islamic State of Iraq and
11 is now known as ISIL or ISIS.

12 Q What happened to Zarqawi?

13 A Zarqawi was responsible for creating and sustaining the
14 modern era of online beheadings and suicide bombings. Most of
15 the trend of online beheadings and suicide bombings was
16 spurred by Zarqawi between 2004 and 2006. Early in the summer
17 of 2006, Zarqawi was killed in a U.S. air strike in Iraq.

18 Q Is he still significant to present-day followers of the
19 Islamic State?

20 A Though Zarqawi was around before the Islamic State was
21 formally declared, he is lionized by ISIS and ISIL today. He
22 continues to be routinely quoted, cited, and featured in their
23 propaganda. He is considered one of their founders. He is
24 venerated above all. And his lectures and video excerpts
25 continue to proliferate amongst ISIS media. He is a very

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1 common sight in ISIS media.

2 Q I want to move up the list from six to five.

3 Who is No. 5?

4 A No. 5, the listing here is -- No. 5 says Amirul Mumineen,
5 Abu Bakr al-Baghdadi, Calipha.

6 This is a reference to abu Bakr al-Baghdadi, the
7 leader of ISIS. The reason why these other titles are here is
8 because of the fact that in 2014, ISIS declared that it was an
9 empire, an Islamic empire, a khalif -- or khalifate, excuse
10 me.

11 And that the head of the khalifate is known as the
12 Khalif or Khalifa.

13 And so you see underneath Abu Bakr al-Baghdadi's name
14 it says Calipha, the khalif. Above it you see it says Amirul
15 Mumineen. That means Commander of the Faithful.

16 This is an honorary term that is bestowed, generally
17 speaking, upon the khalif being the person who is in charge,
18 the Commander of the Faithful, sort of like the Pope in
19 Catholicism. You will also see next to Amirul Mumineen
20 there's a dash and it says, "Friday Khutbah."

21 This appears to be a reference to a video recorded
22 khutbah which was released by ISIS -- "khutbah," by the way,
23 is a Friday sermon. And this sermon featured Abu Bakr
24 al-Baghdadi speaking at the Grand Mosque in Mosul, Iraq, and
25 celebrating the fact that ISIS was now an official khalifate

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1 and he was the khalif.

2 Q I want to break down the concepts for a moment and I'm
3 going to place on the overhead Exhibit 157. It's page 25
4 which is not a contested issue within 157.

5 And, Mr. Kohlmann, if you can pull up 157 where you
6 are and what we're looking at is a tweet on January 27th of
7 2015, with a picture of an individual and the re-tweet states:

8 May Allah protect our Caliph, Sheikh Abu Bakr
9 al-Baghdadi and then an http.

10 A Sorry. Do you know what page this is?

11 Q It should be 25.

12 A Okay. I was looking at page 5. It doesn't appear to be
13 25.

14 Q Try 26.

15 A 26. Okay. Yes. Okay. Yes. January 27, 2015. Yes.

16 Q And just so we're all on the same page, the individual
17 that's pictured in that photo, who is it?

18 A This is the leader of ISIS Sheikh Abu Bakr al-Baghdadi.
19 And, in fact, this is a screenshot from the Friday sermon
20 video that I was just describing.

21 Q You mentioned on that day in the summer of 2014, in July,
22 that Abu Bakr al-Baghdadi was announced as the khalif of the
23 Islamic State.

24 Is the Islamic State alone in recognizing that
25 presently today they believe that there is a khalif amongst

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1 us?

2 A Basically, yeah. They are -- the Islamic State did a very
3 controversial thing in declaring a khalifate.

4 Al-Qa'ida has bestowed the title of Amirul Mumineen a
5 leader of the Taliban, but it isn't really clear that they
6 recognize that there is an official emirate. The declaration
7 of a khalifate, it's a major step. And I don't even think
8 al-Qa'ida is ready for that yet.

9 However, at the point that ISIS made this
10 declaration, they held significant territory, they held major
11 cities, they had an Army, and they thought it was time.

12 Q So what does the "khalif" stand for? What is it
13 synonymous for?

14 A Sure. It's the emperor. Khalif is the emperor of the
15 empire. He's the person in charge of the empire.

16 Q And when the khalif was announced in the summer of 2014,
17 did it have or cause any reaction amongst the followers of the
18 Islamic State?

19 A Yes, it did. Those who were sympathetic to the Islamic
20 State were ecstatic. They were thrilled. This was the
21 culmination of, you know, years of promises by these
22 organizations about creating an Islamic State and ruling by
23 sharia law.

24 And despite all the efforts by al-Qa'ida, it was the
25 Islamic State that first had its only real territory, its own

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1 real sharia-enforced society, and this was huge. I mean,
2 again, it seemed like revelation. It seemed like prophesy
3 coming to pass.

4 And so for those who supported the Islamic State, it
5 became a certain sense that now is the time. They're
6 achieving what they said. It's not just a wish. It's not
7 just a hope and a dream anymore. It's really happening.

8 Q So for followers of the Islamic State, what do they
9 believe or who to them are kafirs?

10 A I'm sorry. I didn't hear the last word.

11 Q Yeah. Kafirs.

12 A Oh, okay. Yes. Okay. So the word "kafir" in Islam, it's
13 an infidels and the plural of that is "kuffar," the infidels
14 or the disbelievers.

15 According to ISIS, the ranks of the kuffar include a
16 lot of people, some of whom even describe themselves as
17 Muslim. Essentially, according to ISIS, pretty much anyone
18 who doesn't agree with them specifically is either a kafir or
19 at minimum is a mortad, an apostate, a hypocrite; but
20 basically, it's either you're with us or you're against us.

21 Q And what do violent jihadists believe should happen to
22 kafirs?

23 A Violent jihadists believe that disbelievers, that the
24 kuffar, are the enemy. They are the enemy of Islam and that
25 they need to be wiped out.

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1 Q And specifically, followers of the Islamic State, what do
2 they believe?

3 A The followers of the Islamic State believe that anyone
4 who's a disbeliever should be wiped out and that anyone who is
5 a disbeliever and stands in the way of the Islamic State
6 should be run over.

7 Q So by "wiped out" and "run over," do you mean killed?

8 A Yeah. I mean annihilated. Not just killed, because it's
9 important to understand that their philosophy is not just
10 killing someone. It's killing them and then wiping out any
11 trace that they ever existed, which explains why it is that
12 they go after the tombs and locations of other faiths, why
13 they are destroying pre-Islamic symbols in the areas that they
14 control.

15 They're trying to wipe out any sign that these people
16 even existed.

17 Q Do all violent jihadists follow all of the rules all of
18 the time?

19 A Definitely, not.

20 Q Can you explain that?

21 A Yes. Contrary to popular opinion, most of the people that
22 get recruited into jihadi organizations are, in fact, human
23 beings. They're not supermen.

24 And as human beings, they're susceptible to the same
25 weaknesses and the same traps that every other human being

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1 falls into.

2 And while there are plenty of people that resolve and
3 have strong feelings about quitting cigarettes and not
4 drinking alcohol and all these other things, the reality is
5 that human beings are frail and they have frailties. It's
6 called human frailties.

7 And this would hardly be the first instance that I've
8 seen where an individual who aspires to be a violent jihadist
9 or is a violent jihadist also smokes cigarettes, also drinks
10 alcohol. There's a good -- and, again, there's good evidence
11 to this effect.

12 If you look at ISIS media, you will see that on a
13 routine basis, ISIS releases media showing them destroying
14 vast quantities of cigarettes and alcohol and pornography that
15 is being brought/smuggled into ISIS-controlled territory.

16 Now obviously, if this stuff is being smuggled into
17 ISIS-controlled territory, then it's people inside of ISIS who
18 are consuming it. So while it's against the rules, that
19 doesn't necessarily prevent someone who's addicted to nicotine
20 from sneaking a cigarette. That tends to happen; and, again,
21 that's simply the realities of being a human being. Nobody is
22 a superman.

23 Q Why would somebody who is a supporter of the Islamic State
24 potentially live with nonMuslims?

25 MR. MAYNARD: Your Honor, objection.

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1 THE WITNESS: There's a variety of reasons.

2 THE COURT: Excuse me. There's an objection.

3 MR. MAYNARD: Objection. Foundation.

4 THE COURT: Sustained.

5 BY MS. BROOK:

6 Q Based upon the literature you have read, the forums that
7 you have been exposed to, based upon the interviews that you
8 have conducted with members of the Islamic State as well as
9 all of the publications that you've read and written, do you
10 have an understanding of why a follower of the Islamic State
11 might live with a non-follower of the Islamic State?

12 MR. MAYNARD: Same objection. Objection.
13 Foundation.

14 THE WITNESS: Yes.

15 THE COURT: Well, sustained, unless you can point out
16 something to me in the Notice or in the Report that addresses
17 this issue, I don't recall reading anything anywhere about
18 this issue.

19 MS. BROOK: Okay.

20 BY MS. BROOK:

21 Q Does the literature that you have read in regards to the
22 Islamic State speak to the issue of followers of the Islamic
23 State living with or co-mingling with nonfollowers or
24 nonMuslims?

25 MR. MAYNARD: Objection. Foundation and disclosure.

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1 Lack of disclosure.

2 THE COURT: And point out to me some place in either
3 the Notice or in the Report that would suggest that this was
4 going to be the subject of any testimony.

5 MS. BROOK: We can come back to it, Your Honor.

6 THE COURT: Okay.

7 BY MS. BROOK:

8 Q Moving along, I want to talk about the Flames of War which
9 is Exhibit No. 187 found on the defendant's Acer computer.

10 Have you had the opportunity to review and to listen
11 to all of that particular video?

12 A Yes.

13 Q And can you describe it for us?

14 A Yes. The Flames of War was initially issued in September
15 of 2014 or late August of 2014. The video itself, it includes
16 a number of critical sections.

17 First of all, it's one of ISIS's first completely
18 English-language videos. It was produced and released by
19 their English-language media outfit known as the Al-Hayat
20 Media Center.

21 Among the key components of this video is, first of
22 all, the video itself gives a detailed English-language,
23 English-narrated primer to the history of ISIS. How did ISIS
24 get here? And what is ISIS trying to do? And what makes ISIS
25 special?

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1 So they cover the conquest of the city of Mosul in
2 Iraq. They talk about how the Iraqi and Syrian Armies are
3 melting away as they seize territory, almost like revelation;
4 again, like revelation coming to pass.

5 And then later they go into specific episodes related
6 to this, including the capture of an air base not too far from
7 Aleppo or at least in Aleppo province in northern Syria.

8 Q What is the message, if any, in that video to homegrown
9 extremists who are supporters of the Islamic State?

10 A Yeah. I mean it's important to understand, this video is
11 entirely in English. It's -- the audience here is exclusively
12 English speakers.

13 And the message is for those who are sympathetic to
14 the ISIS agenda is that we've got something serious going on,
15 this is theological revelation, this is -- these are major
16 events coming to pass you can read about in religious liturgy.
17 This is the revolution. Now is the time. If you want to join
18 us, come here right now.

19 MS. BROOK: Your Honor, 187 in its entirety is
20 already in evidence. The Government has queued up just a
21 portion of it for the jury to hear; and with that, we would
22 move to play it.

23 THE COURT: Go right ahead.

24 MS. BROOK: And actually, the sub-part is marked as
25 471.

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1 (Excerpt of Exhibit No. 187 played for the jury.)

2 BY MS. BROOK:

3 Q I'm placing on the overhead, one page, page No. 7, 8 in
4 the book, from 157. Not contested.

5 Flames of War, the video, when was it released by the
6 Islamic State?

7 A It was, I believe, September of 2014.

8 Q 157, page No. 8 in your stack is on the overhead here.

9 If you can look at that already-admitted tweet
10 starting on the top November 21st of 2014. Do you see that?

11 A Are you talking about the Twitter message that was sent on
12 November 21st, 2014?

13 Q Correct.

14 A I believe so, yeah, sure. 7:01:52 a.m.

15 Q Correct. And is that too an --

16 A Yeah. I'm looking at it.

17 Q Is that too an advertisement of the same Flames of War
18 video that you have watched in its entirety that we have just
19 watched the beginning excerpts of?

20 A Yeah. ISIS does this. They use Twitter to advertise the
21 videos both in advance and when they release it and they
22 create advertisements like this.

23 This I recognized as the official advertisement for
24 this particular video. And you can see on the left side of
25 the image there's an insignia. There's a watermark. And it

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1 says "Al-Hayat." That's the Al-Hayat Media Center, the
2 official English-language media outlet of ISIS.

3 Q We watched here the first few minutes of the Flames of War
4 but the video in its entirety, who is the message directed
5 towards?

6 A Well, there's two messages, really. There's a message
7 being directed towards the allies of ISIS and there's a
8 message being directed to the enemies of ISIS.

9 The message to the enemies of ISIS is that:

10 You think you defeated us. You declared victory.
11 You declared victory way too soon. And that things are just
12 getting started right now. The battle is just beginning.

13 And frankly, the message is not all that different to
14 people that are supportive of ISIS. Again, the message is:

15 The battle is just beginning right now. Look at
16 this. It's prophecy coming to pass. And if you want to be
17 part of this, now is the time to join us. If you want to
18 defeat the United States, if you want to confront the
19 crusaders, if you want to confront the disbelievers and the
20 infidels, here is your opportunity. We have all the weapons.
21 We're going to win. We're winning. Nobody can stop us.

22 Q Does the video end with another message to America?

23 A It actually ends with -- basically, by repeating a
24 previous message issued by Abu Bakr al-Baghdadi, the leader of
25 ISIS, directed at the United States.

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1 Q And what is that message?

2 A It's a threatening message.

3 Q What is it?

4 A It's a threatening message. It's a message in which Abu
5 Bakr al-Baghdadi calls for violent attacks against the United
6 States and in the United States.

7 Q And in the video, in Flames of War, does ISIS kill any
8 civilians or any people?

9 A I don't know about civilians, but they certainly do murder
10 people on camera.

11 Q I want to move next to another video.

12 Are you aware of a video released by the Islamic
13 State called Healing The Hearts?

14 A Yes.

15 Q And I'm going to place on the overhead another page from
16 Exhibit 157, not contested.

17 Can you explain to us what the video Healing The
18 Hearts was about?

19 A Yes. ISIS was coming under a tremendous amount of
20 pressure, including public pressure, due to air strikes being
21 carried out by the United States and its allies targeting ISIS
22 inside of Syria and inside Iraq.

23 ISIS was relatively desperate for some kind of
24 propaganda victory that could show how this strategy was not
25 effective. In early January of 2015, a Jordanian pilot was

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1 forced to crash his F16 inside ISIS territory and was taken
2 prisoner by ISIS.

3 At some point between the time of his capture and the
4 time of the release of this video, the pilot was executed by
5 ISIS on camera and the video Healing The Hearts is exactly
6 that execution.

7 And the title Healing The Hearts is the idea that by
8 executing this pilot, we are soothing the hearts of the
9 believers who are so upset by the atrocities carried out by
10 the crusaders and their allies inside of Syria and Iraq by air
11 strikes.

12 Q How was the Jordanian pilot killed in the video?

13 A He was burned alive.

14 Q And the location of where he was burned, what was he in
15 when he was burned alive?

16 A He was inside a large metal cage.

17 Q Was there any significance to his location from what you
18 have learned of ISIS in the video itself?

19 A In his location -- as being a Jordanian?

20 Q No. His location in the cage.

21 A Well, I mean, again, it does -- it's reminiscent of
22 punishments that have been attributed to Guantanamo Bay and
23 elsewhere, particularly I think Abu Ghraib. But aside from
24 that, that's about as much as I take from it.

25 Q And by "those punishments," do you just mean individuals

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1 inside of cages, obviously not being burned alive?

2 A Yes. Exactly. This is meant to echo the images from Abu
3 Ghraib where you had, again, individuals wearing -- or at
4 Guantanamo -- individuals wearing yellow or orange jumpsuits
5 sitting inside cages. Obviously, none of those people were
6 burned alive, but that's the connotation that ISIS is trying
7 to push forward.

8 Q Once this video was released, was it released on the
9 Internet or somewhere else?

10 A It was released on the Internet.

11 Q And here in the United States, did any television network
12 pick up the airing of it or the video of it and rebroadcast
13 it?

14 A Yes. Although most television networks here in the U.S.
15 declined to show almost any of the video due to the extremely
16 graphic content, Fox News channel did air significant portions
17 of the video and released the entire unedited video at -- in
18 whole via their website.

19 Q In part were other components of the video also released
20 on their television network?

21 A Yeah. They also -- again, I couldn't say exactly how much
22 they showed on air, but they showed quite a bit of the video
23 on air as well.

24 Q And are you aware of whether or not Fox actually received
25 any backlash for releasing on television images and video of

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1 this execution?

2 A Yes. Although Fox defended their decision by saying that
3 they didn't want to hide this from the viewer and they thought
4 it had important news value, there were a lot of critics who
5 felt that, number one, Fox was redisseminating a propaganda
6 message unadulterated from ISIS; and number two, that this was
7 such graphic footage that it should not be shared, especially
8 considering the fact that it showed the murder of an innocent
9 person.

10 Q In February of 2015 when it was released, on the spectrum
11 of executions that the Islamic State has released, how
12 gruesome was this particular execution?

13 MR. MAYNARD: Objection, Your Honor. Foundation.

14 THE WITNESS: At the time --

15 THE COURT: Hold on. There's an objection.

16 MR. MAYNARD: Foundation. I don't know that you can
17 quantify "gruesomeness" in executions.

18 THE COURT: Sustained.

19 BY MS. BROOK:

20 Q I want to turn our attention next to already admitted
21 Exhibit No. 45. In looking at 45 before you, can you explain
22 to us what this magazine is?

23 A Yes. This is known as Dabiq Magazine. It is the official
24 English language magazine of ISIS and it is produced by
25 Al-Hayat Media Center, the official English-language media

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1 outfit for ISIS.

2 Q What edition is this?

3 A This is issue No. 5 which was released, I believe, in
4 November of 2014.

5 Q Are you still scrolling to get to it?

6 A No. I'm here. I'm here.

7 Q Okay. Is it issue 8?

8 A You're talking about Exhibit No. 45 is issue No. 5.

9 Q You know what. You're right. Let me go to 46.

10 A That's issue 8.

11 Q So already admitted, let's start at the top.

12 So Dabiq, Issue 5, when did Dabiq first release its,
13 you know, original first edition publication?

14 A I believe the first issue of Dabiq was issued in July of
15 2014.

16 Q And who publishes Dabiq?

17 A Dabiq is the publication of the Al-Hayat Media Center
18 which is the official English-language media unit for ISIS.

19 Q What is the significance of this particular magazine? And
20 let's start, first, with the title.

21 What is the significance of the title "Dabiq"?

22 A Sure. Dabiq is important to ISIS because it plays a
23 critical role in the raison d'etre of ISIS, the reason why
24 ISIS exists or the reason why it thinks it has a place.

25 Dabiq is a location. It's actually a physical

1 location, a town inside of Syria, in rural Aleppo Province.
2 And in Islam there are legends in the form of hadith that tell
3 of how there will be an apocalyptic battle that will take
4 place in Dabiq that will pit the forces of Islam and the
5 Muslims against the forces of what are known as the Romans
6 which are often -- it's oftentimes just a euphemism for
7 Westerners.

8 And that there will be this huge apocalyptic battle
9 in Dabiq between the West and between Islam; and that battle
10 will be the determination of judgment day.

11 Q Will that -- does that apocalyptic battle have any bearing
12 upon the end of the world and when that will happen?

13 A Yeah. The idea is is that this is the final battle. This
14 is your opportunity to make yourself right with the law. This
15 is your opportunity to pick sides. This is the real deal.

16 And so that's the idea, yeah. And you can actually
17 see if you go onto the Table of Contents, you can see the
18 Table of Contents on the next page includes a quote from Abu
19 Musab al-Zarqawi, the founder of al-Qa'ida in Iraq, later the
20 Islamic State.

21 And he says:

22 The spark has been lit here in Iraq and its heat will
23 continue to intensify by Allah's permission until it burns the
24 crusader armies in Dabiq.

25 So by this you get the idea that ISIS is expecting

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1 that there is going to be some kind of final battle with the
2 West surrounding the town of Dabiq and that will determine the
3 course of judgment day and the apocalypse.

4 Q Does Dabiq, the publication of the Islamic State, have any
5 significance on followers of the Islamic State.

6 A Yes.

7 Q I'm going to place on the overhead an article inside
8 Dabiq, Issue No. 5, entitled, "If I were the U.S. President
9 today."

10 Does this article have significance for violent
11 Western jihadists?

12 A Yes, it does.

13 Q Can you explain that?

14 A Well, there's a number of things that are worth noting.

15 Sorry, I'm moving forward to the article. Sorry. Do
16 you have a page number? I'm sorry. I'm just cycling through
17 here.

18 Q My edition --

19 A No. I got it. I got it. It's okay. It's okay. It's
20 all good.

21 So the significance of this article is that, number
22 one, it's written by a guy named John Cantlie. For those
23 unfamiliar with John Cantlie, John Cantlie is the very, very
24 last Western hostage that is known to be currently held by
25 ISIS. He was amongst the group of other Western hostages who

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1 have now all been executed on camera and are deceased.

2 Mr. Cantlie has managed to survive largely by
3 agreeing by serve as an author and as a narrator for ISIS
4 propaganda. And you can see here, this is an article that he
5 purportedly wrote.

6 Among other things, this article specifically
7 addresses homegrown terrorist attacks that have been committed
8 in the name of ISIS; not necessarily with the knowledge of
9 ISIS, but in the name of ISIS, in the spirit of ISIS, echoing
10 what ISIS has achieved.

11 Q What attacks does it talk about?

12 A On page 2 of the article there's an inset in which Cantlie
13 writes:

14 "In Australia, Numan Haider stabbed two
15 counterterrorism police officers. In Canada, a soldier was
16 shot and killed in front of the war memorial in Ottawa by
17 32-year-old Michael Zehaf-Bibeau on October 22nd, who then
18 entered Canada's parliamentary building looking for other
19 targets before himself being shot and killed by police. In
20 the same week another two soldiers were run over in a
21 hit-and-run in Quebec by Martin Couture-Rouleau and in New
22 York, Zale Thompson attacked four policemen in Queens with a
23 hatchet, the moment of his savage attack caught on CCTV
24 cameras and beamed into people's homes all across America."

25 According to Cantlie, quote:

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1 "All these attacks were the direct result of the
2 Shaykh's call to action, and they highlight what a deadly
3 tinderbox is fizzing just beneath the surface of every Western
4 country, waiting to explode into violent action at any moment
5 given the right conditions. Suddenly the mujahidin of the
6 Islamic State weren't some esoteric concept fighting in a land
7 nobody knew or cared about, they were on the doorstep of
8 millions of people living in some of the biggest, most modern
9 cities in the Western world.

10 Q Moving back to the issue we were speaking about when we
11 first turned to Dabiq, which is Exhibit No. 46, Issue 8, do
12 you recognize this?

13 A Yes.

14 Q And this publication too, it's the same ISIS publication
15 that we've been speaking about?

16 A Yes. This is another issue of Dabiq.

17 Q I want to talk specifically, was there an article in this
18 particular publication of Dabiq related to Lars Vilks?

19 A Yeah, there was.

20 Q And who is he?

21 A Lars Vilks is a Swedish cartoonist/artist who was one of
22 the participants in various different efforts to establish the
23 principle of the freedom of speech by drawing cartoons that
24 are deemed blasphemous to the Prophet Muhammad.

25 As a result of the cartoons that he drew, Lars Vilks

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1 has been, by name, targeted by both al-Qa'ida and ISIS.

2 Q Does this issue also talk about an attack in a Copenhagen
3 cafe in February of 2015?

4 A Yes. It actually talks about the attack on the cafe, as
5 well as Lars Vilks, basically in the same paragraph.

6 Q What was the root cause of the attack in the cafe in
7 Copenhagen?

8 A Well, according to -- according to Dabiq, Issue No. 8, it
9 was the rejection of nationalism and the desire of the
10 attacker, quote, to target Danish Jews and Danish mockers of
11 the Messenger, sallallahu alayhi wa sallam, until he achieved
12 martyrdom in Denmark after pledging bay'ah, which is an oath
13 of allegiance to the Khilafah from Denmark.

14 The "Khilafah" is the Islamic Empire, i.e., ISIS.

15 Q And is this in line with ISIS ideology?

16 A Yeah. I mean they wouldn't have endorsed him in Dabiq if
17 it wasn't in line with their ideology. They not only -- not
18 only did they endorse him, after his name they write
19 rahimahullah.

20 "Rahimahullah" means "may God have mercy on him" and
21 that's something you write about people who are dead or who
22 you are very sympathetic towards.

23 Q Did this issue speak about the Jordanian pilot who had
24 been killed?

25 A I believe there was some reference, although I'm not sure

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1 exactly where it is.

2 Q And based upon your memory of the reference, do you recall
3 in what vein the Jordanian pilot and the execution was spoken
4 of?

5 A It was certainly supportive of it. This is Dabiq
6 Magazine. This is basically the same media that created the
7 video Healing The Hearts.

8 Q Inside Dabiq Magazine have you seen -- inside Issue 5 and
9 Issue 8 have you seen articles related to the recruitment and
10 action of children within the Islamic State?

11 A Yes.

12 Q And what have these two issues said about the recruitment
13 of children?

14 A Well, very specifically, there's a section in here talking
15 about the lion cubs of the Khilafah, the lion cubs of ISIS.

16 This particular magazine, not only does it lionize
17 the idea of bringing kids to the conflict and training them
18 for battle, but it even shows the kids engaged in executing
19 prisoners.

20 These children have not only been featured in Dabiq
21 doing this, they have also been -- the same kids that are
22 featured in this magazine have also been shown on video
23 torturing and murdering other captives as well.

24 Q I have placed on the overhead a page from Issue 8 of Dabiq
25 which shows a child with the caption, "The Lion Cubs of the

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1 Khilafah" and it has an excerpted paragraph.

2 In the page before this particular page, can you
3 describe for us what this issue of Dabiq shows in relation to
4 another child?

5 A It appears to show a child holding a revolver apparently
6 after executing an individual who is lying on the ground and
7 bleeding.

8 Q I want to go back for a moment.

9 When we started talking a while ago we spoke about
10 Miski. And I know you looked at a thumbnail picture, albeit
11 small, from Twitter feed 480.

12 The Government has an enlarged version of that
13 particular photo which is 497 which defense doesn't object to
14 us showing Mr. Kohlmann. I'm going to place 497 on the
15 overhead. Do you have it there?

16 A I don't, but I have opened up 480, which has this -- I
17 believe the same image in it.

18 Q Okay. And I'm placing 497 which is the enlarged version
19 on the overhead. And who has this person in this image
20 purported to be?

21 A I believe this is the picture of Mohamed Abdullahi Hassan,
22 otherwise known as Mujahir Miski.

23 Q Is this the image or the likeness of Miski --

24 THE COURT: Hold on. You have no objection to the
25 jury seeing this enlarged version, correct?

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1 MR. MAYNARD: I do not.

2 THE COURT: Thank you.

3 BY MS. BROOK:

4 Q Is this the image of Miski that is associated with his
5 handle on Twitter and other digital media on the Internet?

6 A Yes. That's exactly how I'm familiar with this image.

7 MS. BROOK: May I have a moment?

8 THE COURT: Yes.

9 BY MS. BROOK:

10 Q It appears that 390 now works.

11 390 was the Battle of Hearts and Minds from al-Awlaki
12 that we referenced earlier but had technical problems with.

13 So if we can just play that excerpt?

14 (Excerpt of Exhibit No. 390 played for the jury.)

15 MS. BROOK: Can you put that in context for us?

16 MR. MAYNARD: Objection to the form of the question
17 and relevance.

18 THE COURT: Sustained.

19 THE WITNESS: I'm sorry. Was there an objection?

20 THE COURT: Yes. And it was sustained, so Ms. Brook
21 is going to ask another question.

22 BY MS. BROOK:

23 Q After the attack on the Draw the Prophet Muhammad Contest
24 on May 3rd of 2015, did ISIS claim responsibility for that
25 attack?

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1 A Yes. They didn't say "we engineered it" but they said "it
2 was us."

3 MS. BROOK: I don't have any other questions.

4 THE COURT: Mr. Maynard.

5 **CROSS EXAMINATION**

6 BY MR. MAYNARD:

7 Q Good afternoon, Mr. Kohlmann, or I guess probably --

8 A Good afternoon.

9 Q I guess probably good evening in New York.

10 I have got a few questions. If I understood your
11 testimony correctly, Inspire Magazine provides us -- or
12 provides one who looks at it with information on how to build
13 explosive devices and things of that nature; is that correct?

14 A That's part of what it offers, yeah. It offers -- there
15 are different sections like every magazine. There are
16 different sections but that is one consistent section, yes.

17 Q And I think you specifically said that you focused in on
18 the part called Open Source Jihad, correct?

19 A Correct.

20 Q And that's -- that section would, at times, would tell you
21 how to make explosive devices?

22 A Correct.

23 Q So if one were a follower of Inspire Magazine, they
24 wouldn't have to go across the street and ask their neighbor
25 how to make an explosive device using fireworks, for instance?

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1 MS. BROOK: Objection. Speculation.

2 THE COURT: Sustained.

3 BY MR. MAYNARD:

4 Q One could learn how to make an explosive device from
5 following certain portions of Inspire Magazine.

6 A Theoretically, yeah. Some people have been successful,
7 but theoretically.

8 Q Now, let me -- let me -- I'm going to have to jump around
9 a little bit because you have talked a lot today.

10 Imam al-Awlaki, let's talk about him for a second.
11 He was born in the United States?

12 A Correct. He was born in New Mexico.

13 Q Right. And his father was over here in school and
14 al-Awlaki was eventually educated here in the United States,
15 correct?

16 A Correct.

17 Q And he was an Iman at a mosque in California for some
18 period of time?

19 A That's correct.

20 Q And then he was an Iman at a mosque in Falls Church,
21 Virginia, for a period of time?

22 A Also correct, yes.

23 Q And while he was here in the United States, he put out
24 several different CDs, one was called The Life Of The Prophet?

25 A I don't know if that was issued when he was inside the

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1 United States, but he did issue them in approximately 2004/05.
2 I don't know if he was still in the U.S. when he did issue
3 them.

4 Q Do you recall that the publisher of those CDs was a
5 publishing company based in Colorado?

6 A That's correct, yes.

7 Q And those CDs -- and also he put out a CD called The Life
8 of Muhammad?

9 A That's correct, yes.

10 Q And those CDs were rather popular here in the United
11 States with the English-speaking Muslim population?

12 A It depends what you mean by "English-speaking Muslim
13 population."

14 They were popular among English-speaking Salafi
15 Muslims. They were not popular among Shiites. They were not
16 popular amongst any other sect. They were only popular
17 amongst Salafi Muslims, people that follow the Salafi Creed or
18 they follow similar schools within Sunni Islam but they were
19 popular among that subsection.

20 Q It is your belief then that individuals in the United
21 States who were Sunnies -- not Salafis but Sunnies -- didn't
22 listen to al-Awlaki's Life Of The Prophets and Life Of
23 Muhammad?

24 A Imam Anwar al-Awlaki was from the Salafi Creed, the
25 Salafi --

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1 Q Can you answer my question, sir?

2 A Yeah. I'm getting there.

3 Q Well, I know, but I'd like you --

4 A The Salafi school is within --

5 Q Can you answer my question?

6 A I have to explain.

7 Q No. You don't have to explain.

8 Can you answer my question?

9 A I am. I am.

10 THE COURT: Mr. Kohlmann, if --

11 THE WITNESS: This is the only way I can answer your
12 question.

13 THE COURT: Mr. Kohlmann, if further explanation is
14 required, Ms. Brook can ask you about it, so I'm going to ask
15 Mr. Maynard to restate his question.

16 BY MR. MAYNARD:

17 Q Isn't it true that in the United States, Muslims who are
18 not Salafi, did not -- were not Salafis but were Sunnis --
19 listened to The Life Of The Prophet and The Life Of Muhammad
20 by al-Awlaki?

21 A Did anyone who is a non-Salafi listen to it?

22 It's possible. But the people -- the population that
23 I'm familiar with that found this lecture to be popular and
24 that trafficked in it heavily were Sunni Salafi Muslims.

25 There are other schools within Sunni Islam where

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1 people were not as sympathetic to these ideas and were not as
2 interested. People that were following Hamza Yusuf were not
3 necessarily big fans of Anwar al-Awlaki.

4 So, again, it depends on what school and it depends
5 on who you are talking about.

6 Q Is it your testimony that The Lives Of The Prophet by
7 al-Awlaki is a radical CD?

8 A I don't think that The Lives Of The Prophet in itself is
9 radical. However, anyone that was listening to Anwar
10 al-Awlaki lectures after 2011 would have a lot of difficulty
11 explaining why they found Anwar al-Awlaki to be particularly
12 insightful, especially after he was very publicly killed in a
13 U.S. drone strike.

14 Q No. It's --

15 A It's also to be said that while --

16 Q Excuse me. Excuse me. Excuse me.

17 A I'm --

18 Q Excuse me.

19 THE COURT: Mr. Kohlmann, it's really important that
20 you just answer Mr. Maynard's question as succinctly as you
21 can.

22 And if you can't answer the question that way, then
23 tell him that. And if he wants more explanation, he'll ask
24 you.

25 This is cross-examination and it's much more

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1 restrictive and he has the right to ask you certain questions.

2 And if you can answer it, "yes" or "no," answer it that way.

3 If you can't, tell him that.

4 THE WITNESS: Okay, Your Honor.

5 THE COURT: So restate your question.

6 MR. MAYNARD: I'll try.

7 BY MR. MAYNARD:

8 Q Anwar al-Awlaki was killed in a drone strike in 2011,
9 correct?

10 A Correct.

11 Q In Yemen, correct?

12 A I'm sorry. I didn't hear the second thing you said.

13 Q Where was he?

14 A Oh. He was killed in Yemen.

15 Q He was the first American who was actually killed by a
16 drone strike, correct?

17 A I believe so, yes.

18 Q And after he was killed, the publishing company that
19 published his CDs, The Life Of The Prophet and The Life Of
20 Muhammad stopped publishing them at that point, correct?

21 A I'm not familiar with -- there were a couple of different
22 publishing companies issuing that and I don't know which one
23 you're talking about.

24 Q Okay. I'll get to it through another witness then.

25 Let me just talk to you a little bit about your

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1 background. You told us about your educational background.

2 You have one degree, a degree from Georgetown
3 University, correct?

4 A You say I have one degree? That's correct. I have a
5 degree in --

6 Q I'll ask you --

7 A -- in international politics with a focus --

8 Q Just answer my question.

9 You have a degree from Georgetown University -- an
10 undergraduate degree from Georgetown University, correct?

11 A That's correct.

12 Q Okay.

13 A Correct.

14 Q And you majored in foreign affairs, correct?

15 A I majored in international politics, but close enough.

16 Q And you minored in Islamic Studies?

17 A No. I have a certificate in Islam and Muslim-Christian
18 understanding. It's different than a minor.

19 Q Your certificate from Georgetown is different than a
20 minor; is that your testimony?

21 A Correct. It's not the -- yes. It is not the same thing
22 as a minor. I have testified about this previously at great
23 length. It's not the same thing as a minor. It's in
24 Georgetown University's Handbook.

25 Q And you then have a law degree from the University of

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1 Pennsylvania; is that correct?

2 A Correct. Correct.

3 Q And you called it a "graduate law degree." It is just a
4 law degree like everybody else gets when they graduate from
5 law school, correct?

6 A Yeah. That's just a term or phrase, that's correct.

7 Q Just a term you used. "Graduate law degree."

8 It's just a law degree; isn't that right?

9 A Well, yeah.

10 THE COURT: Well, I don't know. Speaking to lawyers
11 here, "just a law degree" doesn't seem to be --

12 MR. MAYNARD: Well, there are masters, there's LLMS.
13 He called it a graduate --

14 THE COURT: You're asking if he has a juris doctor?

15 MR. MAYNARD: Do you have a -- yes. The same one
16 that you and I have.

17 BY MR. MAYNARD:

18 Q You have a law degree, correct?

19 A That's correct, yeah.

20 Q Have you ever passed a bar exam?

21 A No. I have not.

22 Q So you're not licensed to practice law anywhere?

23 A I'm not a lawyer, that's correct.

24 Q Have you ever taught at a university?

25 A No. I'm not an academic.

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1 Q You don't have a masters degree?

2 A No. I have my --

3 Q You don't have a juris -- excuse me.

4 A I have a --

5 Q Excuse me.

6 You don't have a Ph.D.?

7 A Correct.

8 Q Okay. Now, in preparing for this testimony today, you
9 indicated earlier that the Government -- that you signed a
10 contract with the Government; is that correct?

11 A Yes. I believe it's called an ODB 47 Form.

12 Q Was it a document that you actually signed that told you
13 what you were going to do and how much you would be paid?

14 A It lays out how much money is budgeted. I don't know if
15 it explicitly states -- there may be a separate letter where
16 I'm engaged that asks me general things about what I'm
17 retained for.

18 Q So there is a separate letter that was given to you that
19 told you what you were supposed to be doing in this case?

20 A I don't think so. I think in this case my instructions
21 were given to me verbally.

22 Q Okay. And who gave you your instructions?

23 A By the U.S. Attorney's Office.

24 Q Who at the U.S. Attorney's Office?

25 A In this case Assistant U.S. Attorney Kristen Brook.

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1 Q And do you recall when she spoke to you, was it in person
2 or on the phone?

3 A We have actually never met in person, so it would be on
4 the phone.

5 Q Okay. And do you recall when that was?

6 A It was sometime late fall; I want to say October or
7 November.

8 Q And do you have notes of that conversation that tells you
9 what you were supposed to be doing?

10 A I did write down some things, but those notes don't exist
11 anymore, unfortunately. I wrote it down and I expanded it in
12 my report.

13 Q And having testified for the Government on over 30
14 occasions, you got rid of your notes this time when you were
15 asked when you had a telephone conversation telling you what
16 you were supposed to do?

17 A I have never been asked to retain those notes.

18 Q Okay. And how many hours have you now worked on this
19 engagement?

20 A I'm actually not sure. I would have to check. I'm not
21 sure. I don't have an estimate, unfortunately, but I can tell
22 you that currently, my total hours, it's far below what's been
23 budgeted.

24 Q If you don't know, you don't know.

25 A Okay. No problem.

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1 Q Okay. Now, did the Government ever send you any of the
2 devices or the information downloaded on a hard drive for you
3 to review?

4 A They sent it to me, yes.

5 Q What did they send to you?

6 A I don't actually know because I never actually opened it.

7 Q Okay. They sent it to you, but you didn't use what they
8 sent you in preparing your report for today?

9 A I was sent a digital device, but then I was asked not to
10 review that device.

11 Q Okay. Did you have an understanding of what was on the
12 device? What kind of information was sent to you?

13 A I believe it was preserved digital information, but again,
14 I don't have that information anymore because I was asked to
15 destroy it upon receipt. And I -- so I believe it was digital
16 information but I didn't review it and I don't have copies of
17 it anymore.

18 Q Who asked you to destroy the information?

19 A I was -- the U.S. Attorney's Office.

20 Q And do you have an understanding of why they asked you to
21 destroy what they sent you?

22 A I have no idea.

23 Q Okay. So you've testified at length today about the
24 history --

25 THE COURT: Okay. If you're going to change

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1 subjects, we're going to wait till tomorrow morning --

2 MR. MAYNARD: Okay.

3 THE COURT: -- to continue on.

4 Ladies and gentlemen, we will recess until nine
5 o'clock tomorrow morning. You are reminded of the admonition
6 not to discuss the case among yourselves or with anyone else.

7 Please remember not to do any independent research
8 about the case on your own; no Google searches, no Internet
9 searches of any kind, no -- don't try to find things on
10 Twitter that might be related to the case or any other social
11 media.

12 Also, ladies and gentlemen, please do not form any
13 conclusions about the case until you have heard all the
14 evidence and begun your deliberations.

15 We will reconvene at nine o'clock tomorrow morning.

16 Court is in recess.

17 Oh. We need to talk?

18 MR. MAYNARD: Real briefly. Well, this can be in
19 front of the jury. Is it Thursday we're off in the afternoon?

20 THE COURT: Just the opposite. We are off --

21 MR. MAYNARD: Thursday we're off in the morning?

22 THE COURT: We're off in the morning. You better be
23 here in the afternoon, Mr. Maynard, because all of us will be
24 here. But if you come in the morning, we won't be here. It's
25 Thursday morning we have off. Thursday afternoon we will be

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1 in session.

2 Court is in recess.

3 MR. KOEHLER: Can we visit for a moment, Your Honor?

4 THE COURT: Pardon?

5 MR. KOEHLER: Can we visit for a moment after the
6 jury leaves?

7 THE COURT: Yes. Okay. I'll excuse the jury.

8 (Open court, no jury present at 4:30 p.m.)

9 THE COURT: Can Mr. Kohlmann be excused?

10 MR. MAYNARD: Yes.

11 MS. BROOK: Yes.

12 THE COURT: You may be excused, Mr. Kohlmann. We
13 will see you in the morning.

14 THE WITNESS: Thank you.

15 THE COURT: Mr. Koehler?

16 MR. KOEHLER: Yes, Your Honor. This morning I
17 brought over a revised version of Exhibit 157 that made the
18 redactions that we propose.

19 THE COURT: Yes.

20 MR. KOEHLER: And also, I'm trying to remember if I
21 actually broke them out, but I have 291, 293, and 310. And
22 I'm thinking I might not have gotten those out of my binder,
23 but I did do 157.

24 THE COURT: And I have -- I haven't looked at it yet.
25 I was told about it over the lunch hour.

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1 MR. KOEHLER: Okay. I have --

2 THE COURT: But the first question is: Did you give
3 Mr. Maynard the new one?

4 And so there were several images that Mr. Koehler
5 said he was going to fuzz them, but I looked at one or two of
6 them and there is actually black boxes on them.

7 Have you had a chance to look at them yet,
8 Mr. Maynard?

9 MR. MAYNARD: I have.

10 THE COURT: And let me -- and they now have page
11 numbers on them. But the first one that I still had a note on
12 is page 12.

13 Do you still have an objection to page 12?

14 MR. MAYNARD: We do.

15 THE COURT: The next one -- so now the page numbers
16 are going to change because page 18 is removed.

17 MR. KOEHLER: Correct.

18 THE COURT: And so now we have a new 18, so I'm going
19 to subtract -- I think the next one --

20 MR. KOEHLER: Should be 28.

21 THE COURT: 28, 29, and 30 are all the same photos,
22 but apparently different tweets.

23 Do you still have an objection to 29, 30, and 31?

24 MR. MAYNARD: I do.

25 THE COURT: Okay. Let me see what's next.

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1 MR. KOEHLER: 33.

2 THE COURT: Well --

3 MR. KOEHLER: It was 34 in the previous.

4 THE COURT: I thought 34 was -- I had marked down 34
5 withdrawn.

6 MR. KOEHLER: And we explained that we had
7 reconsidered that particular issue and still wanted that one.

8 THE COURT: Okay. Do you still have an objection to
9 the former 34, now 33?

10 MR. MAYNARD: No.

11 THE COURT: No. Okay.

12 So I'm going to take off that note.

13 Okay. So the next one used to be 36. It's now 35.
14 And it's, again, the image at the bottom is the Jordanian
15 pilot.

16 Do you still have an objection to what is now 35?

17 MR. MAYNARD: Yes.

18 Just so it's clear, not only -- two objections. One
19 is --

20 THE COURT: I can't hear you.

21 MR. MAYNARD: Sorry. The objection is under 403, but
22 also it's cumulative. This is the fourth time now we have
23 this picture of the Jordanian pilot.

24 THE COURT: And the last one was 40, now 39. And it
25 was the photo at the bottom of the page that's been -- had

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1 part of it blacked out.

2 Do you still have an objection to 40?

3 MR. MAYNARD: No.

4 THE COURT: Okay. So I will eliminate that one.

5 MR. KOEHLER: There was one more that Mr. Maynard
6 raised, Your Honor.

7 THE COURT: Right. It was 52.

8 MR. KOEHLER: It was 48 and it is now 47.

9 THE COURT: I don't know. At some point in time it
10 was 52, but it's the same picture.

11 This is the April 8th, 2015, 8:32:09 a.m.

12 MR. MAYNARD: No objection.

13 THE COURT: No objection anymore. Okay.

14 So, essentially, what we have, with the exception of
15 12, are all photos of the Jordanian pilot being burned.

16 MR. MAYNARD: Yes.

17 THE COURT: And your -- I realize one of them is
18 cumulative, but before we get to "cumulative," you have
19 objections that are what?

20 MR. MAYNARD: I just think under 403, I just don't
21 like it.

22 THE COURT: Well, there's not much to like, that's
23 for certain. My understanding of the interpretation of pages
24 now 28, 29, and 30, is that these are three separate tweets
25 from Elton Simpson to others of these photos?

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1 MR. MAYNARD: That's what it looks like.

2 THE COURT: Is that correct, Mr. Koehler?

3 MR. KOEHLER: That's correct, Your Honor.

4 THE COURT: The objection is overruled and 28, 29,
5 and 30, as now contained in Exhibit 157 with the black boxes,
6 will be admitted.

7 The last of the series with the Jordanian pilot is 35
8 and that is overruled. I don't think it's cumulative. It's a
9 different tweet to apparently a different person, so 35 will
10 be permitted.

11 So that leaves us with 12, which, to make the record
12 clear, is a tweet dated December 26, 2014, at 6:37:51 p.m.

13 And what is the objection?

14 MR. MAYNARD: Same. 403.

15 THE COURT: The objection is overruled. 12, as
16 altered with the black boxes, is admitted. So that resolves
17 the admission of 157.

18 So the new 157, Maureen, I will give you the new and
19 the old and you can switch them. Thank you.

20 Is there anything else, Mr. Koehler?

21 (Exhibit No. 157 admitted in evidence.)

22 MR. KOEHLER: Your's Honor, I have 291, 293, and 310
23 available. They're each one image. I don't know if you would
24 like to handle that now or --

25 THE COURT: Has Mr. Maynard seen them?

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1 MR. KOEHLER: I e-mailed them to the defense last
2 night.

3 THE COURT: Then I don't want to talk about them now
4 if he hasn't looked at them yet.

5 MR. KOEHLER: It was yesterday afternoon, but I don't
6 know if he's had a chance to look at them.

7 MR. MAYNARD: I haven't looked at them.

8 THE COURT: Anything else?

9 MS. BROOK: I have just a brief little point to bring
10 up.

11 Tomorrow Ali Soofi is going to testify who is the
12 brother of Nadir Soofi.

13 I just ask that during his testimony there aren't
14 questions related to the exact city he is living in now,
15 certainly the state. And additionally, that there aren't
16 questions related to the precise name of the company he works
17 for. Certainly what he does, et cetera, I don't object to.

18 THE COURT: Is that agreeable, Mr. Maynard?

19 MR. MAYNARD: No problem with that.

20 THE COURT: Okay. Thank you.

21 MS. BROOK: Thank you.

22 THE COURT: For planning purposes, Mr. Maynard, how
23 long -- I know you're going to say it depends on how long his
24 answers are, but just give me an estimate.

25 MR. MAYNARD: A half-hour.

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1 THE COURT: Half hour?

2 So in terms of booking however much time we need to
3 book on this video conferencing, we will be through with him
4 in the morning?

5 MS. BROOK: Yes.

6 MR. MAYNARD: I would think.

7 THE COURT: Okay. Good.

8 Okay. And then so tomorrow we will finish with Mr.
9 Kohlmann and we will have the testimony of Mr. Soofi and
10 finish the testimony of Agent Whitson and then the government
11 will rest?

12 MS. BROOK: Correct.

13 THE COURT: And those two questions from the juror
14 about recording interviews and do you tell people you're
15 recording them, will you cover them with Agent Whitson?

16 MS. BROOK: Yes.

17 MR. MAYNARD: I will.

18 THE COURT: Somebody will. Good.

19 Okay. Thank you. Court is in recess.

20 (Proceedings adjourned at 4:41 p.m.)

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C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am
duly appointed and qualified to act as Official Court Reporter
for the United States District Court for the District of
Arizona.

I FURTHER CERTIFY that the foregoing pages constitute
a full, true, and accurate transcript of all of that portion
of the proceedings contained herein, had in the above-entitled
cause on the date specified therein, and that said transcript
was prepared under my direction and control.

DATED at Phoenix, Arizona, this 1st day of August,
2016.

s/Elizabeth A. Lemke
ELIZABETH A. LEMKE, RDR, CRR, CPE